

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

213/3

CRM-M-40577-2020

Date of Decision: 28.06.2021

Gaurav Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. D.S. Virk, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Reply dated 15.03.2021 by way of affidavit of Kisor Lal, HPS, Deputy Superintendent of Police, Guhla filed on behalf of the respondent-State is taken on record.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner- Gaurav Kumar in case F.I.R. No.214 dated 28.08.2020 under Sections 22(c) and 29 of NPDS Act, 1985 registered at Police Station Cheeka, District Kaithal.

Learned counsel for petitioner *inter alia* contends that version,

as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that allegedly 500 tablets of Clovidol-100 SR having salt Tramadol Hydrochloride were recovered from the conscious possession of petitioner. He further urges that actual weight of above said contraband, if converted into grams, does not exceed 250 grams. He further urges that Section 2(viia) of NDPS Act defines the term “commercial quantity” in relation to narcotic drugs and psychotropic substances, means any quantity greater than the quantity specified by the Central Government by notification in the Official Gazette. He further submits that petitioner is in custody since 29.08.2020 and he is no more required by the Police for any investigation purpose. He further submits that *Challan* has been presented in Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 29.08.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court and since consequent trial of the case would take sufficient time to conclude, no

useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- Gaurav Kumar is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Kaithal, as the case may be.

(LALIT BATRA)
JUDGE

28.06.2021

d.gulati

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No