

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218/2

CRM-M-41570-2020

Date of Decision: 20.12.2021

Chandru

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Arjun Veer Sharma, Advocate for petitioner.

Mr. Anmol Malik, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Chandru** for grant of regular bail in case FIR No.262 dated 14.09.2020 under Section 20 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Pinjore, District Panchkula.

Learned counsel for the 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 contraband (14 kilograms *Ganja*) was recovered from the conscious possession of petitioner. He further urges that allegedly during personal search of co-accused namely Rajwati and Sheela, contraband-13 kilograms *Ganja* each, was recovered. He further urges that in view of ratio laid down in **Amar Singh Ramjibhai Barot Vs. State of Gujarat, (2005) AIR (SC) 4248**, recovery has to be

treated as individual recovery because the same was effected in personal search of petitioner. He further urges that even otherwise alleged recovery of contraband (14 kilograms *Ganja*) is 'non-commercial quantity'. He further submits that petitioner is languishing in custody since 14.09.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. 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 and have carefully gone through the contents of petition.

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 14.09.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since 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-**Chandru** 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, Panchkula, as the case may be.

(LALIT BATRA)
JUDGE

20.12.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No