

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM No. M-48350-2021

Date of Decision : 24.11.2021

Ajit @ Bhalla

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Deepak Kumar Gollen, Advocate and
Mr. Lokesh Gollen, Advocate for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 202 dated 01.10.2021, registered under Section 20, 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 61 of Excise Act, at Police Station Rampura, District Rewari.

Learned counsel for the petitioner argues that in the present case, the recovery which has been allegedly done from the petitioner is much less than the commercial quantity though, the petitioner is involved in other cases as well including a case for violation of Narcotic Drugs and Psychotropic Substances Act, 1985 involving small quantity of banned drug. Learned counsel for the petitioner submits that the petitioner intends to mend his ways so as to live a clean, healthy and a peaceful life and prays

for one last opportunity to do the same.

Notice of motion.

Mr. Karan Sharma, learned Assistant Advocate General, Haryana, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that as the petitioner is a habitual offender, it is very unlikely that he will mend his ways as probably, indulging in these activities is bread and butter for him. Learned State counsel concedes the factum that the recovery done from the petitioner is not commercial in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, the petitioner is involved in other cases as well, this Court intends to give one last opportunity to the petitioner to mend his ways to come out of the tag of habitual offender so as to live a good, clean and healthy life. Keeping in view the fact that the quantity of the contraband allegedly recovered from the petitioner is not commercial in nature so as to invite embargo of Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 and the trial is likely to take some time before the same concludes, no useful purpose will be achieved keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted the concession of bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 24, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No