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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-6490-2022 in/and
CRM-M-1831-2022 (O&M)
Date of Decision:23.02.2022

Raman Kumar @ Neeraj Kumar
Vs.

.. Applicant/Petitioner

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashit Malik, Advocate for applicant-petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-6490-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Vikrant Pamboo, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-6489-2022

Application is allowed, subject to all just exceptions. Annexure A-1 is taken on record.

CRM-6491-2022

Since the main case is being heard, the application for grant of interim regular bail is rendered infructuous.

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.586 dated 01.12.2021 registered under Sections 21, 27-A and 29 NDPS Act, 1985 at Police Station Sadar Thanesar, District Kurukshetra. The petitioner is in custody since his arrest on 01.12.2021.

The FIR was registered on the basis of a secret information and the allegations as noticed by the Id. Addl. Sessions Judge, Kurukshetra in the order dated 05.01.2022 are as under:

“In brief, the facts of the case are that on 01.12.2021, 18 grams Smack/Heroine was recovered from the possession of applicant/petitioner, which was allegedly supplied to him by co-accused Vikas for a sum of Rs.25,000/-. On the basis of disclosure statement of applicant/petitioner Raman Kumar, co-accused Vikas Kumar was arrested and on personal search of co-accused Vikas Kumar, two currency notes of Rs.500/- were recovered from him. Therefore, present applicant/ petitioner has been netted in the present case for the commission of offence under Section 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short the Act). After completing all the formalities the police arrested the present applicant/petitioner.”

Learned counsel contends that the alleged contraband (18 grams heroin) recovered from the petitioner falls within the non-commercial quantity. He submits that the investigation of the case is complete and the challan has been filed on 05.01.2022, however the trial is yet to commence. He prays that the petitioner be released on bail during pendency of the trial.

Learned State counsel assisted by ASI Surender Kumar, has opposed the prayer, however, he does not dispute the fact that the alleged contraband recovered from the petitioner falls within the ambit of non-commercial quantity. He, on instructions, states that the investigation of the case is complete and challan has been presented, but the charges are yet to be framed.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

23.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No