

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

(1) CRM-M-6197-2021 (O&M)
Puran Chand ...Petitioner

Versus

State of Haryana ...Respondent

(2) CRM-M-14552-2022 (O&M)
Sumit ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision:- 2.12.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. A.P. Bhandari, Advocate for the petitioner
in CRM-M-6197-2021.

Mr. Gagandeep Singh, Advocate for the petitioner
in CRM-M-14552-2022.

Mr. Rajiv Sidhu, DAG, Haryana.
assisted by SI Mahabir

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Puran Chand and Sumit seeking grant of regular bail in a case registered against them vide FIR No. 390 dated 20.10.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Fatehabad, District Fatehabad.

2. As per the case of prosecution, a police party during the course of checking of vehicles at barricades laid by the police noticed a Swift Dzire Car coming from the side of Jhalnia. The driver, upon seeing the police party attempted to turn back but was chased by the police officials and the car was intercepted. The two boys sitting in the car disclosed their names as Puran Chand (driver) and Sumit. Upon search of the vehicle, a black coloured polythene was found lying in the dashboard of the vehicle which was found to contain 260 grams of 'heroin'.
3. The learned counsel representing the petitioners have submitted that the petitioners have falsely been implicated in the present case and that since it is a case where the recovered contraband is marginally above the quantity prescribed as commercial quantity i.e. 260 grams as against prescribed 250 grams, the same can safely be attributed to the weight of the polythene bag in which the contraband was found. The learned counsel has further submitted that since co-accused Naseeb has already been granted bail by this Court, the petitioners also deserve the same concession on grounds of parity. The learned counsel have also pressed into service some orders passed by Co-ordinate Benches of this Court and also by Hon'ble Supreme Court wherein some persons accused of possessing commercial quantity of contraband have been granted bail.
4. The learned State counsel has, however, opposed the petitions and has submitted that since the petitioners were caught red-handed at the spot while in possession of commercial quantity of contraband, their complicity is clearly evident. It has further been submitted that the petitioners cannot claim parity with the case of the co-accused Naseeb who had been

nominated on the basis of disclosure statement and had never been found at the spot and nor any recovery had been effected from him. The learned State counsel has also informed that as on date 11 out of cited 17 prosecution witnesses have already been examined and that in these circumstances, the petitioners, who have been behind bars since the last about 2 years do not deserve the concession of bail, given the fact that the recovered contraband will fall in the category of 'commercial' quantity and a polythene bag cannot be said to be weighing 10 grams.

5. This Court has considered rival submissions addressed before this Court.
6. It is the specific case of the prosecution that both the petitioners were caught red-handed while travelling in a car and that a commercial quantity of contraband i.e. 260 grams of 'heroin' was recovered from the car in which they were travelling. The petitioners certainly cannot claim parity with the case of co-accused Naseeb, who was never found in possession of any contraband. The trial Court has recorded statements of 11 out of the cited 17 prosecution witnesses.
7. In these circumstances, this Court does not find any ground for grant of regular bail to the petitioners at this stage.
8. Both the petitions, as such, are dismissed.
9. Since the matter is stated to be fixed before the Trial Court for recording statements of remaining prosecution witnesses on 2.12.2022, the prosecution is directed to make sure that the prosecution witnesses are duly produced before the trial Court on the dates as may be fixed for recording their

statements so that the trial Court is able to conclude the trial in the shortest possible time.

2.12.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No