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

**CRM-M-6391-2022 (O&M)
Date of Decision: 22.09.2022**

Gulab Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gaurav Antwal, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.24, dated 16.01.2021 under Sections 20(II) (C), 61, 85 of the NDPS Act, 1985 registered at Police Station Tosham, District Bhiwani.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 16.01.2021 and the trial is not commencing, and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, has submitted that it is a case where the petitioner was apprehended with 49.990 kgs. of *Ganja*, which is 2½ times limit prescribed for the commercial quantity. He further submitted that the argument raised by the learned counsel for the petitioner that the trial is

going at very slow pace, is not sustainable in view of the fact that on some occasions the case was adjourned in the trial Court because of absence of defence counsel. He also submitted that the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act and there is no ground available with the petitioner for seeking a departure from the aforesaid provisions.

I have heard the learned counsel for the parties.

Although, the petitioner is in custody since 16.01.2021 and no witness has been examined but the alleged recovery from the petitioner was very high and falls under the commercial quantity under the N.D.P.S. Act. There is no ground available with the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act. Consequently, the present petition is devoid of merit and the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

22.09.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |