

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

**CRM-M-6862-2022**

**Date of Decision: 23<sup>rd</sup> February, 2022**

**Rajesh Kumar**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Vinod Bhardwaj, Advocate,  
for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

**AVNEESH JHINGAN, J. (Oral)**

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 668, dated 4<sup>th</sup> December, 2021, under Sections 21C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Kaithal, District Kaithal.
3. As per the case set up, on 3<sup>rd</sup> December, 2021, during patrolling police checked TVS Scooty; the riders were Vikram @ Vicky and Rajesh Kumar (petitioner) and on search, from their conscious possession, 655 grams and 160 grams of Heroin respectively was recovered.
4. Learned counsel for the petitioner submits that it is a case of false implication, the recovery from the conscious possession of the petitioner is of a non-commercial quantity, he is not involved in any other

case, no further recovery is to be made, the FSL report has not yet been received and the petitioner is in custody since 4<sup>th</sup> December, 2021.

5. Learned State counsel, on instructions, opposes the prayer and submits that the total recovery from the two accused is of commercial quantity. She fairly submits that FSL report is still awaited.

6. Without commenting upon merits of the case, considering that the recovery from the conscious possession of the petitioner was of non-commercial quantity, he has no criminal antecedents, conclusion of investigation and trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made here-in-above shall not be construed as an expression of opinion on the merits of the case.

9. Needless to say that in case there is a misuse of the concession of bail, the State would be at liberty to avail the remedies in accordance with law.

**(AVNEESH JHINGAN)**  
**JUDGE**

**23<sup>rd</sup> February, 2022**

P Kapoor

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**