

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

CRM-M-8654 of 2022 (O&M)

DECIDED ON: 31st May, 2022

Jagdish

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. V.B. Godara, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is second petition seeking regular bail in case of FIR No.101, dated 28.02.2021, under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Fatehabad, District Fatehabad. Earlier petition was dismissed as withdrawn with liberty to revive the prayer at a later stage.

On 28th February, 2021, police apprehended Pooran Mal @ Kalu and Jagdish @ Jagga (petitioner) while they were riding on a motorcycle. Twenty kilogram and two hundred thirty grams poppy straw was recovered.

Learned counsel for the petitioner submits that petitioner is in custody since 28.02.2021, recovery is of non commercial quantity and investigation is complete.

Learned State counsel opposes the prayer for grant of regular bail, submits that antecedents of petitioner are not clean and he is involved in number of FIRs, however, she fairly submits that none of the cases is under the Act.

Considering the custody period, the fact that investigation is complete, conclusion of trial is likely to take time, recovery is of non commercial quantity and involvement of the petitioner in other FIRs in itself would not be a ground for depriving his personal liberty, co-accused was granted bail, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

31st May, 2022

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>