

CRM-M-9215-2021

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

CRM-M-9215-2021

Date of decision: 18.05.2022

Chand Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S.Sahu, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.223 dated 18.08.2019, registered at Police Station City Ratia, District Fatehabad, under Section 22-C NDPS Act.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though recovery of intoxicant tablets allegedly effected from the petitioner, falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 19.08.2019 and out of 15 prosecution witnesses, only 02 witnesses have been examined so far. The conclusion of the trial would take a long time. Moreover, there is no other case registered or pending against the petitioner, at least of a similar nature. On this premise, the learned counsel prays for the grant of bail to the petitioner. In support of his contentions, the learned counsel relies upon the orders delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.5507/2020, titled as 'Jamshed Alam @ Jamsher Alams Vs. State of Jharkhand', decided

CRM-M-9215-2021

on 29.10.2021 and Special Leave to Appeal (Crl.) No.7871/2021, titled as 'Sushil Biswas Vs. State of West Bengal', decided on 08.12.2021.

On the other hand, learned State counsel while opposing the submissions made by the learned counsel for the petitioner, submits that the recovery of aforesaid extent of intoxicant tablets effected from the petitioner, falls in the commercial quantity. However, he submits that the petitioner is not involved in any other case, at least of a similar nature.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 19.08.2019. Out of 15 prosecution witnesses, 13 witnesses are yet to be examined. There are no past criminal antecedents of the petitioner. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, it is made clear that in case, the petitioner is found indulged in any other case under the NDPS Act, the prosecution would be at liberty to seek cancellation of his bail in this case.

18.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No