

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

CRM-M-8984-2022

Date of decision: - 08.03.2022

Kalyan Singh @ Kallu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No. 250 dated
21.08.2021 under Section 15 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 registered at Police Station Salhawas, District
Jhajjar.

Learned counsel for the petitioner has submitted that in the
present case, the petitioner has been falsely implicated and at any rate, the
alleged recovery effected from the petitioner is of 1 Kg. and 121 Grams of
poppy husk, which is just a little over the stipulated 'small' quantity as the

small quantity, as per law, is 1 Kg. and the said recovery is much lower than the stipulated commercial quantity, since, as per the law, the commercial quantity is 50 Kg. It is further submitted that the petitioner has been in custody since 21.08.2021 and the challan in the present case has been presented and there are 17 witnesses out of which none have been examined and thus, the trial is likely to take time, more so in the view of the present COVID-19 pandemic situation. Learned counsel for the petitioner has further submitted that co-accused of the petitioner, namely, Bijender @ Vijay has already been granted the concession of regular bail, vide order dated 10.02.2022 passed in CRM-M-5042-2022 by this Court and the case of the present petitioner is on similar footing as that of said co-accused Bijender @ Vijay.

Learned State counsel has opposed the present application for regular bail and has submitted that the said recovery of 1.121 Kgs. of poppy husk has been made from the petitioner. It is further submitted that challan in the present case has been presented on 14.10.2021. The other facts mentioned by learned counsel for the petitioner are not disputed by learned State counsel.

Keeping in view the facts and circumstances, more so, the fact that the alleged recovery effected from the petitioner is of 1 Kg. and 121 Grams of poppy husk, which is just a little over the stipulated 'small' quantity of 1 Kg. and is far below the stipulated commercial quantity which is 50 Kg. and the petitioner has been in custody since 21.08.2021 and the challan has already been presented and the petitioner is not involved in any other case and there are as many as 17 witnesses out of

which none have been examined and thus, the trial is likely to take time, moreso in view of the present COVID-19 pandemic situation and also the fact that co-accused of the petitioner, namely, Bijender @ Vijay has already been granted the concession of regular bail, vide order dated 10.02.2022 passed in CRM-M-5042-2022 by this Court and the case of the present petitioner is on similar footing as that of said co-accused Bijender @ Vijay, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

March 08, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No