

Sr. No. 216

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

CRM-M No.9494 of 2022

Date of Decision: 30.05.2022

Satish @ Sonu

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. G.S. Sandhu, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl..A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.386 dated 13.11.2021, under Section 20 of the NDPS Act, registered at Police Station Butana, District Karnal.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 13.11.2021, which is almost six months and the investigation of the case has been completed and thereafter, the challan has been presented. He further submitted that the petitioner was falsely implicated in the present case, in view of the fact that he was also earlier involved in one NDPS matter as well as one FIR under Section 379 IPC. He submitted that the alleged recovery shown from the petitioner was only 8 Kg. and 100 gm of Ganja, which does not fall in the category of commercial quantity under the NDPS Act. He

further submitted that since the investigation of the case has been completed and no further recovery has been effected from the petitioner and the same does not fall under the category of commercial quantity, he may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody from 13.11.2021 and the recovery was 8 Kg. and 100 gm of Ganja from the petitioner. He submitted that the petitioner is involved in another case under the NDPS Act and one case under Section 379 IPC. He further submitted that the investigation of the case has been completed and the challan has been presented.

I have heard learned counsel for the parties.

It is the case, where the petitioner is in custody for almost six months and investigation of the case has been completed. The alleged recovery from the petitioner was 8 Kg. and 100 gm of Ganja, which does not fall in the category of commercial quantity under the NDPS Act. Although the petitioner is involved in two more cases, but the same would not come in the way of the petitioner for considering the grant of regular bail unless the State is able to show that in case, the petitioner is released on bail, then he may abscond or repeat the offence. In the present case, there is nothing in the arguments raised by learned State counsel to show that in case the petitioner is released on bail then he may flee from justice or may influence any witness. The alleged recovery does not fall in the category of commercial quantity.

In view of the aforesaid facts and circumstances of the

present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

30.05.2022

monika

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No