

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-12170-2022
Decided on : 28.03.2022

Ravi

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Hemen Aggarwal, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

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. 385 dated 23.09.2021 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Jhajjar, District Jhajjar.

Learned counsel for the petitioner has submitted that as per the prosecution case, the alleged recovery effected from the petitioner is 13.50 gms. of smack and the said quantity is much lower than the stipulated commercial quantity which starts from 250 gms. It is further submitted that the petitioner is not involved in any other case and he has been in custody since 23.09.2021 and challan in the present case has already been presented and there are as many as 10 witnesses out of whom, none has been examined as yet and thus, the trial is likely to take time, moreso, in view of the present COVID-19 pandemic situation.

Learned State counsel, on the other hand, has opposed the

present application for regular bail and has submitted that recovery made from the petitioner is of 13.5 gms. of smack.

This Court has heard learned counsel for the parties and has perused the paperbook.

Even as per the prosecution case, the alleged recovery effected from the petitioner is 13.50 gms. of smack which is much lower than the stipulated commercial quantity which starts from 250 gms. The petitioner is stated to be not involved in any other case and he has been in custody since 23.09.2021 and the challan in the present case has already been presented and there are as many as 10 witnesses, out of whom none has been examined, thus, the trial is likely to take time, moreso, in view of the present COVID-19 pandemic situation.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him 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 would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

28.03.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No