

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

105+216

CRM-M-12292-2022 (O &M)

Date of decision: 29.03.2022

MAHINDER SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Ishan Khetarpal, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

CRM-11702-2022

For the reasons mentioned in the application, the same is allowed and final report under Section 173 of the Cr.P.C. is taken on record as Annexure P-3 and the petitioner is exempted from filing certified/typed copy of the same.

CRM-M-12292-2022

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 716 dated 15.12.2021 registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Pundri, District Kaithal.

As per the prosecution version, police party on the basis of secret information apprehended accused-petitioner at his sweets shop and on his physical search 5.36 grams of heroin was recovered from a

yellow polythene found in right pocket of his kurta.

The petition has been opposed by learned State Counsel. However, no reply has been filed on behalf of respondent/State.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. False recovery has been planted upon him. No independent witness was jointed at the time of alleged recovery. Mandatory provisions of the NDPS Act were not complied with. Recovery of the alleged contraband from the petitioner is non commercial. The petitioner is in custody since 15.12.2021. Challan has already been filed. Trial is likely to take long time due. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed serious offence. In view of the nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, nature of accusation, recovery of contraband from the petitioner falling in non-commercial category, Challan has already been filed, custodial interrogation of the petitioner not required and the fact that the trial is likely to take long time but without expressing any opinion on the

merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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