

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

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CRM-M-15284-2022

Date of Decision: 16.08.2022

Rajbir @ Mindka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. K.L.Saini, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Pawan Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.20 dated 20.01.2022 at Police Station City Narwana, District Jind, under Sections 21/27-A of the NDPS Act, wherein the allegations are to the effect that the petitioner was found in possession of 22.50 grams of 'heroin'.
2. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case the recovered contraband would fall within the category of 'intermediate' quantity and as such, the petitioner having been behind bars since the last about 7 months deserves the concession of bail.
3. Opposing the petition, learned State counsel has submitted that the petitioner happens to be involved in 3 other cases and as such, he is disentitled for grant of regular bail. It has been informed that while one case is registered for an offence under IPC, two other cases i.e. FIR

- No.206 dated 19.05.2016 registered at Police Station City Kaithal and FIR No.196/2018 registered at Police Station City Narwana, Jind are in respect of offences under the NDPS Act. It has also been informed that charges are yet to be framed in the present case and that as many as 19 PWs have been cited.
4. Learned counsel for the petitioner, at this stage, has clarified that the petitioner already stands acquitted in case FIR No.206 dated 19.05.2016 and has produced a copy of the judgment dated 05.12.2018 passed by learned Special Judge, Kaithal. It has also been informed that other FIR i.e. FIR No.196/2018 pertains to recovery of a 'small' quantity of 'heroin'.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the present case is a case of recovery of 'intermediate' quantity of contraband. In any case, the petitioner has been behind bars for the last about 7 months and the trial has not even commenced inasmuch as charges have not been framed till date and as many as 19 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.08.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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