

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-17632-2022

Date of decision : 13.05.2022

Vinay Kumar

... Petitioner

Versus

Union Territory Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Simarpreet, Advocate for
Mr.Robin Singh Hooda, Advocate
for the petitioner.

Mr.P.S.Paul, Addl.P.P. for U. T. Chandigarh.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.0040 dated 14.03.2022 registered under Section 20 of the of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (in short "NDPS Act") at Police Station Sector 26, Chandigarh.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 14.03.2022 and there are 12 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time. It is further submitted that the alleged recovery effected from the petitioner is 105 grams of charas which is far lesser than from commercial quantity which starts from 1 kg. It is further submitted that the petitioner is not involved in any other case.

Learned counsel for the U. T. Chandigarh has opposed the present petition for regular bail and on instructions from SI Sukhdev Singh,

has submitted that the recovery has been effected from the present petitioner.

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 14.03.2022 and the investigation is complete and challan has been presented and there are 12 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time and the petitioner is not involved in any other case and even the alleged recovery effected from the petitioner is 105 grams of charas which is far lesser than from the commercial quantity which starts from 1 kg, 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.

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 petition.

(VIKAS BAHL)
JUDGE

May 13, 2022
Davinder Kumar

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