

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22491-2022

Date of Decision: 27.5.2022

Charanjeet @ Kala

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.279 dated 19.12.2021 registered for the offences punishable under Sections 21-B, 31 and 29 of NDPS Act at Police Station Sadar Tohana, District Fatehabad.

Counsel for the petitioner contends that as per allegations appearing on the record, 30 grams of Heroin was recovered from the possession of the petitioner by the police on 19.12.2021 and since then, he is in custody. Counsel further contends that challan has been presented by the police but trial is yet to commence and it will take time for termination of the trial. Counsel further contends that it being case of recovery of non-commercial quantity of contraband, strict provisions of Section 37(1)(b) are not applicable to the case in hand and he prays for grant of regular bail to

the petitioner.

State counsel on instructions from ASI Karnail Singh has admitted the factual position as has been detailed by the counsel for the petitioner hereinabove.

Learned State counsel while opposing the present petition, submits that the petitioner is already convicted in one case under NDPS Act and is facing trial in another two cases.

I have considered the submissions made by the counsel for the parties.

Admittedly, the present case is relating to recovery of 30 grams of Heroin stated to have been effected from the person of the petitioner on 19.12.2021 and the petitioner was arrested at the spot. On completion of investigation, the police has presented the challan but trial is yet to begin. The aforesaid recovery of contraband comes within non-commercial quantity and as such, is not covered under the rigors of Section 37(1)(b) of NDPS Act. Further, as stated by the counsel for the petitioner, the petitioner is not absconding in any other criminal case and rather has been granted bail. Counsel for the petitioner further clarified that in another case, sentence of the petitioner has already been suspended vide order dated 1.6.2017 (Annexure P-3) passed by Coordinate Bench of this Court.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 27, 2022

Paritosh Kumar

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