

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

**CRM-M- 24496 of 2022 (O&M)
Date of Decision: 13.9.2022**

Ramesh Singh alias Meshi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

JAISHREE THAKUR, J.

This is the second petition that has been filed by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 446 dated 22.07.2020 under Section 22, 29 of the NDPS act, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner herein contends that the petitioner is in custody since the date of his arrest i.e. 22nd July, 2020 on the allegation that he had been found in possession of 5 gram 76 milligram of smack. He was released on interim bail to await the FSL report and thereafter on receipt of the report, he surrendered. Learned counsel would argue that possession of 5 gram 76 milligram of smack is well below the

commercial quantity, while arguing that the trial in the present case is not proceeding. It is submitted that in all 12 witnesses have been cited, but none has been examined as on date. It is also submitted that the petitioner faced trial in FIR No. 171 dated 1.7.2018 registered under Section 20 of the NDPS act, 1985 wherein the allegations were that the petitioner was carrying ganja weighing 1 kg 216 grams. It is submitted that he stand convicted in the said case. In another FIR No. 239 dated 1.4.2020, which does not pertain to the offence under the provision of NDPS Act, he has been granted bail.

On the other hand, learned counsel for the respondent—State opposes the grant of regular bail to the petitioner by contending that there are several cases pending against him.

I have heard learned counsel for the parties

The petitioner herein is involved in six cases, out of which two pertain to the offences committed under the NDPS Act registered in the year 2018 and 2020 and other cases pertain to the offences allegedly committed under the various provisions of the Indian Penal Code. It is also admitted that the allegations that the petitioner was found in possession of 5 gram 76 milligram of smack is small quantity since 250 grams constitute commercial quantity. The challan has been presented as far back as 18.9.2020 and the charges stood framed. However, no witness has been examined as on date.

Therefore, taking into account the fact that the trial is not proceeding, this Court deems it appropriate to allow regular bail to the petitioner, particularly keeping in view that the quantity of 5 gram 76 milligram of smack is well below the commercial quantity.

Without commenting anything on the merits of the case, the 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.

While being released on bail, the petitioner shall furnish an undertaking to the effect that he shall not indulge in any criminal activity. In case, he violates the undertaking, it shall be open to the prosecution to seek cancellation of his bail.

It is clarified that any observation made herein above shall not be construed to be a reflection of opinion on the merits of the case.

13.9.2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No