

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

CRM-M-26876-2022

Date of Decision:-**26.08.2022**

Jeet Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ajay Saini, Advocate
for the petitioner.

Mr. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.72 dated 10.4.2022 registered under Section 20 of NDPS Act at Police Station Kalka District Panchkula.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. That even otherwise as per the allegations appearing on the record, 920 grams of Charas was recovered from the possession of the petitioner by the police on 10.4.2022, which comes under non-commercial quantity of contraband. The counsel for the petitioner further submits that after completion of investigation, the police has presented challan but it will take considerable time even for the trial to conclude after framing of charge and prayed for grant of regular bail to the petitioner.

Reply by way of affidavit of Mr. Ramesh Gulia, ACP, Kalka along with custody certificate (Annexure R-1) furnished by the State counsel are ordered to be taken on record.

Present petition is resisted by the State counsel, who submitted that charges are yet to be framed and it is too early to grant bail to the petitioner at this stage when trial has not commenced.

As per the case put forth by the prosecution, 920 grams of charas was recovered from the petitioner on 10.4.2022 and since then he is behind the bars. The aforesaid contraband comes under non-commercial quantity and as such rigors of Section 37 of NDPS Act will not attract in the case in hand. The investigation has already been concluded and police has presented the challan but it will take time for the trial to terminate as charges are yet to be framed. As per the custody certificate furnished by the State counsel, the petitioner is not involved in any criminal case. So no purpose is going to be served by prolonging judicial incarceration of the petitioner.

Keeping in view facts and circumstances mentioned above and without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

While accepting the requisite bail bonds, the Court concerned is to take into consideration the fact that the present petitioner is native of Nepal.

(KARAMJIT SINGH)
JUDGE

26.08.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No