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

CRM-M No.32535 of 2021 (O&M)

Date of decision: 05.07.2022

Ramchand

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.340 dated 31.12.2020, registered under Sections 20/29/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Sarai Khawaja, Faridabad, District Faridabad.

Counsel for the petitioner has argued that the FIR was registered with the allegations that the police party, while on petrol duty, received an information that one Ram Chand resident of Himachal Pradesh is indulged in the business of selling Charas and he will come to Faridabad and can be apprehended along with the narcotic substance. Thereafter, the police party put a barrier and saw a person coming on foot, carrying a polythene bag of Orange Colour and on suspicion, he was apprehended and disclosed his name as Ram Chand (petitioner

herein) and one more person, who was accompanying Ram Chand, was also apprehended, who disclosed his name as Sheikh Abdul Aziz and they could not give any satisfactory reply regarding the contents of the polythene bag and thereafter, a notice under Section 50 of the NDPS Act was given to them and search was conducted in the presence of a Gazetted Officer and recovery of 1.126 Kgs of Charas was effected.

Counsel for the petitioner has further submitted that the petitioner was in long custody for the last about 01 year and 01 month, when he was granted the concession of interim bail on 18.01.2022, considering the COVID-19 situation and till date, there is no progress in the trial as out of 13 PWs, no PW has been examined and the next date, fixed before the trial Court, is 06.10.2022. It is also contended that the petitioner has not misused the concession of interim bail as he is regularly appearing before the trial Court.

Counsel for the petitioner has further argued that in fact, the recovery effected from the petitioner was marginally higher than the commercial quantity, which include the weight of the polythene bag and therefore, considering the long custody of the petitioner, he may be granted the concession of regular bail. Lastly, it is submitted that the petitioner is the first offender and he is not involved in any other case.

Counsel for the State, on the basis of the Custody Certificate, could not dispute the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 01 month and 05 days; the petitioner is not involved in any other case;

till date, no PW has been examined; the custodial interrogation of the petitioner is not required; the petitioner has not misused the concession of interim bail and the conclusion of the trial will take some time, this petition is allowed and the interim bail granted to the petitioner vide order dated 18.01.2022 is made absolute.

Disposed of.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.07.2022
yakub

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