

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

CRM-M-29718-2022

Date of decision: 19.12.2022

Sushil alias Shillu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Pratibha Sharma, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case FIR No.560 dated 23.11.2020, registered at Police Station City Fatehabad, District Fatehabad, under Section 21(b) NDPS Act, 1985.

Learned Senior Counsel for the petitioner contends that recovery of 21.95 gram heroin allegedly effected from the right pocket of pant of the petitioner, falls under the 'non-commercial' quantity; that the petitioner has been in custody since 23.11.2020, and that some of the prosecution witnesses are yet to be examined. Out of five other cases registered or pending against the petitioner, are concerned, he has been released on bail in four cases, including the one case registered under the NDPS Act on the ground that no recovery had been effected from him, and has been acquitted in one case. In support of his contentions, learned counsel relies upon the order dated 23.11.2022 passed by a Coordinate Bench in CRM-M-49978-2022, titled as 'Pawan Kumar @ Pamma Vs. State of Punjab'.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner is a habitual offender. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

Indisputably, the recovery of contraband allegedly effected from the petitioner, falls under the non-commercial quantity. The petitioner has been in custody since 23.11.2020. The prosecution witnesses are yet to be examined. Trial of the case would take time to conclude. So far as another case registered against the petitioner under the NDPS Act, is concerned, he has been released on bail therein. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

19.12.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No