

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31037-2022

Date of Decision: 25.7.2022

Ramesh Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amit Choudhary, 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.157 dated 5.4.2022 registered for the offences punishable under Sections 17, 61, 85 of NDPS Act at Police Station Sadar, Fatehabad, District Fatehabad.

Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case; that as per allegations recorded in the FIR, 250 grams of Opium was recovered from the tool kit of the motorcycle on which the petitioner and one Surinder Singh were riding on 5.4.2022. He further contends that the petitioner is in custody since the date of his arrest i.e. 5.4.2022 and after completion of investigation, the police has presented the challan. He further submits that the present case is involving non-commercial quantity of Opium and thus, rigors of Section 37 of NDPS Act are not applicable to the case in hand and even otherwise, co-accused

Surinder Singh has already been granted concessoin of regular bail by this Court vide order dated 4.7.2022 (Annexure P-2).

State counsel while opposing the present petition has not disputed the fact that the present case is relating to recovery of 250 grams of Opium which comes under non-commercial quantity of contraband. State counsel has also not refuted the fact that the petitioner is in custody since 5.4.2022 and that the police has already presented the challan.

The petitioner is not involved in any other criminal case as is evident from his custody certificate which is furnished by the State counsel. Present case is relating to recovery of non-commercial quantity of Opium and challan has already been presented by the police on completion of investigation.

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

July 25, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No