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

CRM-M-32443-2022

Date of Decision: 01.08.2022

Ashok Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Ms. Shivani Sharma, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.261 dated 07.05.2022, under Section 21(b) of the N.D.P.S. Act, 1985, registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 07.05.2022 and the investigation of the case has been completed. He further submitted that the allegations against the petitioner were with regard to the recovery of 32 grams of *Heroin* which does not fall under the commercial quantity. He further submitted that the petitioner has been falsely implicated in the present case due to enmity and he is not involved in any other case under the N.D.P.S. Act and has got clean antecedents. He also submitted that the trial of the case may take long

time and investigation of the case has already been completed and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Shivani Sharma, AAG, Haryana, has submitted that it is correct that the petitioner is in custody, since 07.05.2022 and the investigation of the case has been completed and the confiscated quantity does not fall in the category of commercial quantity. She further submitted that the petitioner is not involved in any other case pertaining to the N.D.P.S. Act.

I have heard the learned counsel for the parties.

Admittedly, the petitioner is in custody since 07.05.2022 and the investigation of the case has been completed and the alleged recovery of 32 grams of *Heroin* from the petitioner, does not fall in the category of commercial quantity. The petitioner has got clean antecedents and is not involved in any other case, as per the learned counsel for the parties. Learned counsel for the petitioner has submitted that it is only because of the enmity with the police officials, the petitioner has been falsely implicated in the present case. Admittedly, the petitioner is not involved in any other case under the N.D.P.S. Act and the trial of the case would take long time, therefore, considering the totality of the circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

01.08.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |