

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

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CRM-M-32349-2022 (O&M)

Date of Decision: 09.11.2022

Mahinder Singh @ Bablu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Manjot Kaur, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Mahender.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.550 dated 23.10.2017 at Police Station Sadar Thanesar, District Kurukshetra, under Sections 21/27A/29 of the NDPS Act.
2. The allegations, in nutshell, are that the petitioner was found in possession of 106 grams of smack, which would fall within the category of 'non commercial' quantity.
3. The petitioner was initially released on bail by the trial Court vide order dated 26.12.2017, but subsequently he absented from the proceedings of trial on 04.02.2019 and it was only on 22.02.2022 that the petitioner

came to be arrested on account of the fact that he was in custody in connection with some other case at Rajasthan.

4. Learned counsel for the petitioner has submitted that it is a case of recovery of 'non commercial' quantity of contraband and since the petitioner has been behind bars since the last about 9 months, he deserves to be released on bail.
5. Opposing the petition, learned State counsel has submitted that since the petitioner is a habitual offender having been involved in 2 more cases under the NDPS Act registered at Rajasthan and had also remained a proclaimed offender, he does not deserves the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 9 months and that as on date only 9 PWs out of cited 16 PWs have been examined.
6. This Court has considered rival submissions.
7. Having regard to the facts and circumstances of the case and while also noticing that it is a case of recovery of 'non commercial' quantity of contraband and that the petitioner has been behind bars for a substantial period of 9 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. The aforesaid order, however, shall be subject to the condition that the petitioner shall furnish 2 heavy sureties before the trial Court apart from

- depositing an amount of Rs.2 lakhs before the trial Court. The trial Court shall invest the said amount in FDR in some Nationalized Bank. The trial Court/Illaqa Magistrate shall, however, issue specific directions to the Bank concerned not to entertain any request for encashment of the same except under orders of the Court. The amount in said FDR may be forfeited in case petitioner intentionally violates any condition of grant of bail. Otherwise the petitioner shall be entitled for release of amount upon conclusion of trial.
9. The trial Court shall also be at liberty to impose any other condition, as deemed appropriate, so as to ensure regular presence of the petitioner before the trial Court.

09.11.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**