

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33277-2022
Date of decision : 04.08.2022

Sandeep @ Julee

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Vikram Bishnoi, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.72 dated 19.03.2022 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 at Police Station Sahlawas, District Jhajjar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 19.03.2022 and the investigation is complete and challan has been presented and there are 21 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time. It is further submitted that the alleged recovery from the petitioner and his co-accused is 4 kg. 20 grams of *ganja* which is far less than from the commercial quantity as the stipulated commercial quantity of *ganja* starts from 20 kgs.

Learned State counsel, on the other hand, has opposed the

present petition for regular bail and has submitted that the petitioner is involved in one more case.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner has already been granted bail in the said case and has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 19.03.2022 and the challan has been presented and there are 21 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time. The alleged recovery effected from the petitioner and his co-accused is of 4 kg. 20 grams of *ganja* which is far less than the stipulated commercial quantity as the commercial quantity of *ganja* starts from 20 kgs. Recovery has already been effected from the petitioner. No purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the above said facts and circumstances, the

present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 04, 2022
Davinder Kumar

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