

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

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**CRM-M-35080-2022
Decided on : 29.09.2022**

Juber Khan @ Ajmer

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Ashish Yadav, Addl. A. G., Haryana. s

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Juber Khan @ Ajmer, who has been booked for having committed the offences punishable under Sections 15-C, 27-A, 29, of NDPS Act, 1985, in FIR No. 110, dated 08.03.2022, registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner contends that as per allegations, recovery of 51 kg of poppy straw contained in 02 plastic bags has been effected from the petitioner. In this regard, learned counsel for the petitioner refers to paragraph No. 2 of the reply filed by learned State counsel and submits that it is clear that both bags were weighed separately and weight of one bag was found 30 kg and other's was found 21 kg. He further submits that the alleged contrabands were weighed alongwith plastic bags, therefore, if, weight of the plastic bags is excluded, there would be an argument during the course of trial that recovered contraband is of non-commercial quantity. It is further submitted that investigation in the present case stands complete and long incarceration of the petitioner inside jail along

with other hard core criminals may affect his future adversely.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that it is a serious offence and submits that such persons, who are possessed with the narcotic substances are a big danger to the society. Therefore, petitioner does not deserve the concession of regular bail. Custody certificate was submitted on previous date, which shows that petitioner is in custody since 09.03.2022 and no other case is shown to be registered against him. Learned State counsel has also pointed out that after investigation, challan has already been filed.

After considering the submissions of both the sides, and perusing the material available on record with their able assistance. Undoubtedly, arguments addressed here before this Court, would be available at the time of final stage of the trial also and taking into consideration that petitioner is behind bars since 09.03.2022, and that after completion of investigation, challan has been presented, no purpose would be served by keeping him inside jail, especially, when trial is yet to commence. Therefore, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

However, it is made clear that in future if the petitioner is found involved in any case of similar nature, the respondent-State would be at liberty to take necessary steps for cancellation of bail granted to the petitioner in present case.

(SANJAY VASHISTH)
JUDGE

September 29, 2022

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*