

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

251

CRM-M-40114 of 2022
Date of Decision:20.12.2022

Sanju

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuldeep Singh, Advocate, for
Mr. Lakhwinder Singh, Advocate,
for the petitioner.

Mr. S. K. Dagar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The second petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.531 dated 06.11.2020, under Section 22(C) and 27-A of the NDPS Act, registered at Police Station City Tohana, District Fatehabad.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 06.11.2020 and only 7 out of 24 prosecution witnesses have been examined. He submitted that although allegedly there was a recovery of 3000 tablets of Tramadol from the petitioner but it is a case where the

police has falsely implicated the present petitioner especially considering the fact that the petitioner is not a habitual offender and is not involved in any other case.

On the other hand, Mr. S. K. Dagar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody for more than 2 years but the trial is commencing at fast pace and seven witnesses have already been examined. He submitted that there was a recovery of 3000 tablets of Tramadol from the petitioner which fall under the category of commercial quantity and therefore the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act and there is no ground available with the petitioner to make a departure from the aforesaid bar. He submitted that so far as the custody of the present petitioner is concerned, that itself cannot become a ground for grant of bail to the petitioner in the light of Section 37 of the NDPS Act and in view of the judgment of the Hon'ble Supreme Court in Narcotics Control Bureau versus Mohit Aggarwal 2022(3) RCR (CrI.) 985.

I have heard the learned counsel for the parties.

It is a case where the petitioner has faced incarceration for about 2 years. As per the allegations, there was a recovery of 3000 tablets of Tramadol from the petitioner which fall under the category of commercial quantity. The petitioner was not able to give any ground for making a departure from the bar contained under Section 37 of the NDPS Act.

Therefore, in view of the aforesaid position, finding no merit in the present petition for grant of concession of regular bail to the petitioner, the present petition is hereby dismissed.

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.

(JASGURPREET SINGH PURI)
JUDGE

December 20, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No