

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

CRM-M-44673-2021
Date of Decision:-24.2.2022

SAHIL KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vikas Bishnoi Godara, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Prayer is for grant of regular bail in case having FIR No.318
dated 12.7.2021 registered under Sections 21-B, 27-A, 31 of NDPS Act at
Police Station City Fatehabad, District Fatehabad.

The counsel for the petitioner submitted that the petitioner has
been falsely implicated in this case. It is further contended that even
otherwise the present case is related to recovery of non-commercial quantity
of contraband and the petitioner is in custody for the last more than 7 months

since the date of registration of the present FIR. The counsel for the petitioner further contended that it will take long time for conclusion of the trial.

The present petition has been contested by the State counsel who prayed for its dismissal on the ground that the petitioner is facing three other criminal cases out of which one case is under NDPS Act.

I have considered rival submissions addressed by the counsel for the parties.

As per the allegations appearing on the record 37.60 grams of heroin contained in plastic packet was recovered from the dicky of the scooty on which the petitioner and co-accused Jatin Jackey were travelling on 12.7.2021. The said quantity of contraband falls under non-commercial quantity as per the provisions of NDPS Act. Admittedly the petitioner is in custody since 12.7.2021 and trial is going on and it will take time for conclusion of the trial due to prevalent COVID-19 situation. In all the other criminal cases which the petitioner is facing, he is on bail.

Keeping in view facts and circumstances mentioned above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

24.2.2022
Gaurav Sorot

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