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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41021-2022 (O&M)

Date of Decision: 13.09.2022

Mohit

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present 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. 145 dated 14.07.2022, under Section 15 (b) of NDPS Act, registered at Police Station Bhattu Kalan, District Fatehabad.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 14.07.2022 and investigation of the case has been completed and thereafter, the challan has been presented. He submitted that the allegations in the present case were against the petitioner and the co-accused wherein allegedly there was a recovery of 20 kgs. and 170 grams of poppy husk which does not fall in the category of commercial quantity. He submitted that the petitioner has been falsely implicated in the present case and he is not a habitual offender and is not involved in any other case and has got clean antecedents. He submitted that trial of the case may take long time and no recovery is to be effected from the petitioner and therefore, the

petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 14.07.2022 and the investigation of the case has been completed. He further submitted it is also correct that there was a recovery of 20 kgs. and 170 grams of poppy husk from the petitioner and the co-accused which does not fall in the category of commercial quantity and it is also correct that the petitioner is not involved in any other case and is not a habitual offender.

I have heard the learned counsel for the parties.

The confiscated quantity in the present does not fall in the category of commercial quantity. The petitioner is stated to be having clean antecedents and is not involved in any other case. As per the learned counsel for the parties, the investigation of the case has been completed and no recovery is to be effected from the petitioner. Since trial of the case may take long time, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

13.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No