

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

CRM-M-42402-2022
Date of Decision:-**27.10.2022**

UPENDER SINGH

... Petitioner

Versus

THE STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.529 dated 27.5.2022 registered under Sections 20, 29 of NDPS Act at Police Station Shahabad, District Kurukshetra.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. That as per the allegations appearing on the record 20 kgs of Ganja was recovered from the possession of the petitioner by the police on 27.5.2022, which comes under non-commercial quantity and as such rigors of Section 37 NDPS Act are not

applicable to the present petitioner. The counsel further submits that after completion of investigation police presented the challan but it will take time for the trial to conclude, as such no purpose would be served by keeping the petitioner behind the bars for any longer period.

The instant petition is opposed by the State counsel, who has not disputed the fact that recovery of 20 kgs of Ganja in the present case, falls under non-commercial quantity. The State counsel has also not disputed the fact that the petitioner who is in custody for the last 4 months and 25 days is not involved in any other criminal case and that it will take considerable time for the trial to conclude after its commencement.

I have considered the submissions made by counsel for the parties.

In the light of the above, this Court is of the view that no gainful purpose is going to be served by keeping the petitioner behind the bars for any longer 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 trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

27.10.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No