

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH VIDEO CONFERENCING)

CRM-M-46834-2021

Date of Decision: 12.1.2022

Baljinder @ Biru

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amit Choudhary, Advocate, for the petitioner.
Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.318 dated 12.7.2021 registered for the offences punishable under Sections 21(b)/27-A/31 of NDPS Act at Police Station City Fatehabad, District Fatehabad.

Counsel for the petitioner submitted that the petitioner was nominated as accused in the present case on the basis of alleged disclosure made by co-accused Birbal who has already been granted anticipatory bail by Coordinate Bench of this Court vide order dated 24.8.2021 (Annexure P-6). It is further contended that the petitioner has been falsely implicated in the present case and he is entitled to grant of bail.

The present petition has been contested by the State counsel who submitted that the petitioner is having long criminal history and is facing trial in more than 10 criminal cases whose detail is given in the petition itself.

I have considered the submissions made by the counsel for the

The present case is relating to recovery of 37.60 grams of Heroin from Scooty on which co-accused Sahil and Jatin were travelling on 12.7.2021. During the investigation, the police found that said Heroin was supplied to the aforesaid persons by Birbal who got the said contraband from the present petitioner. Admittedly, co-accused Birbal has been granted anticipatory bail by Coordinate Bench of this Court on 24.8.2021 (Annexure P-6). From the perusal of the status report submitted by the State, it is clear that no contraband was recovered from possession of the petitioner who was arrested in this case on 26.8.2021 and is presently lodged in judicial custody.

As far as other criminal cases are concerned, the petitioner was acquitted in 8 cases and in other cases which are pending against him, he is on bail and was convicted in one another case under NDPS Act. As per counsel for the petitioner, in the said case, his sentence has already been suspended.

The present case is relating to recovery of 37.60 grams of Heroin which comes under non-commercial quantity of contraband. It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

January 12, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No