

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-43075-2022

Date of Decision: 08.12.2022

Suresh Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Bhim Singh, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 217 dated 03.06.2022 registered under Sections 18/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Nissing, District Karnal.

Brief facts of the case are that on 03.06.2022, the petitioner was apprehended by the police for having in his conscious possession 510 grams of opium. During interrogation, the petitioner disclosed that he procured the said contraband from co-accused-Ranjeet Singh.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. No independent witness was joined at the time of alleged recovery. Even otherwise the quantity of recovered contraband falls under the category of “non-commercial quantity”. The petitioner is in custody since 03.06.2022. Trial is likely to

take time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has opposed the present petition in terms of reply dated 28.10.2022 filed by way of an affidavit of Sh.Gaurav Fogat, Deputy Superintendent of Police, Karnal-II, District Karnal and submits that as per Annexure R-1 filed along with the reply, the petitioner is also involved in 04 other cases details of which are as under:

1.	FIR No. 269 dated 03.11.2006 under Sections 279, 304A and 302 IPC, Police Station Nissing, District Karnal.	Acquitted.
2.	FIR No. 315 dated 30.12.2006 under Section 15 of the NDPS Act, Police Station Nissing, District Karnal.	In this case, vide judgment of conviction dated 14.03.2011 and order of sentence dated 16.03.2011, the petitioner was held guilty under Section 15 of the NDPS Act and sentenced to undergo rigorous imprisonment for 06 months and to pay a fine of Rs.5000/-.
3.	FIR No. 79 dated 09.03.2012 under Section 15 of the NDPS Act, Police Station Nissing, District Karnal.	The petitioner was acquitted vide order dated 02.02.2017.
4.	FIR No. 189 dated 12.06.2012 under Section 15 NDPS Act, Police Station Nissing, District Karnal	The petitioner was acquitted vide order dated 31.08.2016.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, particularly the fact that the quantity of contraband allegedly recovered from the petitioner falls under the category of “non-commercial quantity” and also the fact that the trial is

likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Suresh Kumar, is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

December 08, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No