

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**CRM-M-47550-2021
Date of decision: 10.01.2022**

MANPREET ALIAS BANTI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Saurav Girdhar, AAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 184 dated 27.05.2021 registered under Section 21/27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Asauda, District Jhajjar.

As per the prosecution version, police party on the basis of secret information apprehended accused-petitioner and 120 grams of smack (heroin) was recovered from his conscious possession.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Rahul Dev, HPS, Deputy Superintendent of Police, Jhajjar in the Registry which is taken on record.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. False recovery has been planted upon him. Mandatory provisions of the NDPS Act were not complied with. No independent witness was jointed at the time of alleged recovery. Further, as per the FSL report, there was 22.6% A/A heroine found in the 10 grams of sample drawn from the contraband and the total weight of 27 grams of heroine could be said to be present in the entire contraband of 120 grams allegedly recovered from the petitioner which is non commercial. The petitioner is in custody since 27.05.2021. Challan has already been filed. The petitioner is not involved in any other case under the NDPS Act. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful 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 submitted that the petitioner is accused of having committed serious offence. In view of the nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, nature of accusation, recovery of contraband from the petitioner falling in non-commercial category, Challan has already been filed, custodial

interrogation of the petitioner not required and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.01.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No