

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

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CRM-43419-2021 in CRM-M-47949-2021

Date of Decision: 05.01.2022

Mandeep @ Member

....Applicant/Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. J.P.Jangu, Advocate for applicant/petitioner.

Mr. Surender Singh, Assistant Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

CRM-43419-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 07.02.2022.

Notice of application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Mandeep @ Member** for grant of regular bail in case FIR No.247 dated 23.07.2021 under Section 21 of NDPS Act, registered at Police Station Badli , District Jhajjar.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that allegedly contraband (Heroin) weighing 9 grams was recovered from conscious possession of petitioner, whereas petitioner has no nexus whatsoever with the alleged contraband. He further urges that even otherwise, quantity of alleged contraband may vary as allegedly contraband was weighed with the plastic bag, as is evident from the allegations as set up in the FIR. He further urges that in a given scenario, alleged contraband may fall under “small quantity”. He further urges that petitioner is not involved in any other FIR except instant one. He further submits that petitioner is languishing in custody since 23.07.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 23.07.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Mandeep @ Member** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Jhajjar, as the case may be.

(LALIT BATRA)
JUDGE

05.01.2022

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No