

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49352-2021 (O&M)
Date of decision: 25.04.2022

Arjun

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Sethi, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.328 dated 29.06.2020 under Section 21/61 of NDPS Act, registered at Police Station Shahabad, District Kurukshetra; earlier one was dismissed as withdrawn on 19.02.2021.

Learned counsel for the petitioner submits that new ground for filing this second petition is that the petitioner is in long custody of about 01 year and 10 months and the trial is not progressing, as out of total 17 prosecution witnesses, none has been examined and even the charges are yet to be framed. It is further submitted that as per allegations in the FIR, registered at the instance of ASI Rajesh Kumar, while on patrol duty, he noticed that a young boy is coming on a motorcycle and on seeing the police party, he tried to turn

back, but in hurry, his motorcycle stopped. On suspicion that he is carrying some illegal ammunition, he was apprehended and told his name as Arjun. On his search, a small polythene bag was recovered from the fist of his right hand, which contained 6.5 grams of heroin. It is also submitted that it will be a matter of trial whether Section 50 of NDPS Act was required to be followed or not. Learned counsel further submits that the petitioner is in custody for the last 01 year, 09 months and 24 days, though he is involved in some other cases under Arms Act and Section 379-A IPC.

Learned State counsel, on the basis of the custody certificate, has not disputed the factual position. As per custody certificate, the petitioner is shown to be involved in some other cases under IPC and in some of the cases, he has been convicted and undergone the sentence.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

25.04.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No