

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-47210-2022

Date of Decision: 16.11.2022

Amarjeet

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Singla, Advocate for the petitioner

Mr. Chetan Sharma, AAG Haryana

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed the present petition under Section 439 CrPC seeking regular bail in case FIR No.257 dated 27.07.2022 under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short the NDPS Act) registered at Police Station City Ratia, District Fatehabad (Section 29 of the NDPS Act added later on).

(2) Learned counsel for the petitioner contends that 100 gms of opium has been recovered from the possession of the petitioner whereas 400 gms of opium has been recovered from co-accused Sohan Ram. It is argued that the petitioner has already faced custody of almost 4 months and the trial is still underway wherein charges are yet to be framed.

(3) Notice of motion.

(4) On the asking, Mr. Chetan Sharma, AAG Haryana accepts notice and has produced the custody certificate, which is taken on record. According to the same, the petitioner is behind the bars from last 3 months and 18 days and the quantity recovery is not disputed to be of non-

commercial. He also states that the challan has been filed and the charges are yet to be framed in the present case.

(5) Keeping in view the totality of the facts and circumstances and since the conclusion of the trial is likely to take sufficient time and no fruitful purpose would be served by keeping the petitioner behind the bars and the fact that the petitioner is not involved in any other case along with the fact that the recovery is of commercial nature, the prayer made in this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, concerned.

(6) Disposed off.

16.11.2022
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No