

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

CRM-M-46465-2022

Date of decision : 14.10.2022

Paramjeet and another

..... Petitioners

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. D.P.S. Bajwa, Advocate
for the petitioners.

Ms. Dimple Jain, AAG, Haryana
assisted by ASI Parveen Kumar.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case bearing FIR No.222 dated 13.06.2022, registered for the offences punishable under Section 15 of the NDPS Act, at Police Station Sadar Jhajjar, District Jhajjar.

2. As per the allegations levelled in the FIR, poppy straw weighing 5.799 kg was recovered from behind the conductor seat in a vehicle. Petitioner No.2 was employed as Conductor and petitioner No.1 was employed as Driver of the said vehicle.

3. Counsel for the petitioners submits that the petitioners are behind bar since 13.06.2022. The quantity of contraband is less than commercial. There is no apprehension that the petitioners shall tamper with the evidence. He thus submits that keeping in view the custody and the fact that the investigation already stands concluded, the petitioners be granted concession of regular bail.

4. Learned State counsel is not in a position to dispute the aforesaid factual assertions made by counsel for the petitioners which are borne out from the record. She also admits that there is no other case pending against either of the petitioners.

5. I have heard counsel for the petitioners and have gone through the records of the case.

6. The quantity recovered from the vehicle wherein the petitioners were employed is admittedly less than the commercial and thus rigorous of Section 37 of the NDPS Act will not be attracted in the present case. Challan already stands presented. The petitioners are first time offenders.

7. Keeping in view the long incarceration suffered by them and the fact that the investigation already stands concluded, they are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.10.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No