

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

CRM-M-47818-2022

Date of decision : 21.10.2022

Pardeep @ Poli

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.805, dated 26.11.2021, registered for offence punishable under Sections 21-B and 22-B of NDPS Act, at Police Station Indir, District Karnal.

2. Learned counsel for the petitioner submits that the petitioner is behind bars since 26.11.2021. The alleged contraband recovered from him is non-commercial one. Challan already stands presented and there is no other case against the petitioner under NDPS Act.

3. Learned State counsel has produced custody certificate. The same is taken on record. As per the same, the petitioner has undergone actual custody of 10 months and 24 days. Learned State counsel does not dispute the factual assertions made by counsel for the petitioner. However, he submits that the petitioner is facing another FIR under Sections 323, 325, 506 and 34 of IPC and in the same he was declared 'Proclaimed Offender', resulting in another FIR registered for offence punishable under Section 174-A of IPC and thus there is an apprehension that on having been granted concession of bail, the petitioner shall run away from process of law.

4. I have heard counsel for the parties and have gone through the records of the case.

5. Keeping in view the fact that the alleged contraband is non-commercial, rigorous of Section 37 will not be attracted. Moreover, in view of the incarceration already suffered by the petitioner and the fact that investigation already stands concluded, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. 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

21.10.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No