

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(227)

CRM-M-48293-2022

Date of decision: - 21.10.2022

Santokh Singh and another

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Divya Narula, Advocate, for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

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VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR No.524 dated 24.07.2022, registered under Section 21-B/61/85 of the Narcotic Drugs & Psychotropic Substances Act, at Police Station Civil Line, District Sirsa.

Learned counsel for the petitioners has submitted that the petitioners have been in custody since 24.07.2022 and the investigation is complete and the challan has been presented and there are 16 prosecution witnesses, out of whom none have been examined, thus, the trial is likely to take time and the petitioners are not involved in any other case. It is further submitted that the alleged recovery from the present petitioners is of 25 grams of heroin each and the same, even jointly, would fall under the category of non-commercial quantity as the stipulated commercial quantity starts from 250 grams of heroin.

Learned State counsel, on the other hand, has opposed the present petition, but has not disputed the above-said facts.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioners have been in custody since 24.07.2022 and the investigation is complete and the challan has been presented and there are 16 prosecution witnesses, out of whom none have been examined, thus, the trial is likely to take time. The petitioners are stated to be not involved in any other case. The alleged recovery from the present petitioners is of non-commercial quantity and thus, the bar under Section 37 of the NDPS Act would not apply.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being required in any other case.

However, it is made clear that in case, any act is done by the petitioners to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

**October 21, 2022**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No