

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.211

Case No. : CRM-M-53160-2022

Date of Decision : December 12, 2022

Madhu Kumar		Petitioner
vs.		
State of U.T., Chandigarh		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Jarnail S. Saneta, Advocate
for the petitioner.

Mr. Akashdeep Singh, Addl.PP, U.T., Chandigarh.

* * *

GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.107 dated 27.08.2022, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – the Act), registered at Police Station Manimajra, Chandigarh (U.T.).

Vide order dated 29.11.2022 passed by this Court, Status Report was directed to be filed. In compliance of the said order, reply by way of an affidavit of Shri Rajnish, Deputy Superintendent of Police (Crime), UT, Chandigarh has been filed, which is ordered to be taken on record.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in the present case as according to the prosecution version, 7.510 kg of *ganja* was recovered from the petitioner but in fact, provisions of the Act were not followed and the recovery has falsely been imposed upon the petitioner. It has further been stated that the petitioner is

in custody since 27.08.2022 and as the completion of trial is likely to take a long time, the petitioner be released on bail.

Learned counsel appearing for UT, Chandigarh, on the other hand, states that the charge has already been framed. The case is pending for evidence of the prosecution. Report of CFSL has been received to the effect that the sample was ascertained as *ganja* and therefore, the case is covered under the Act. It was further submitted that since the petitioner is resident of Bihar and does not have any permanent residence in Chandigarh, possibility of his absconding cannot be ruled out, if he is granted the concession of regular bail.

Heard learned counsel for the parties and perused the case file.

Keeping in view the fact that the contraband recovered from the petitioner is less than the commercial quantity, the completion of trial will take a long time and there is no other case except the case in hand against the petitioner, no useful purpose would be served by keeping him behind the bars for so long.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Illaq Magistrate/Duty Magistrate, Chandigarh.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

December 12, 2022

monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>

