

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 1266-2023 (O&M)
Date of Decision: 16.01.2023

Ravi

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Deepak Kaushal, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 217 dated 30.11.2021, under Sections 15(b), 27(a), 29, 61 and 85 of NDPS Act registered at Police Station Ding, District Sirsa who is alleged to have possessed contraband of 40 kg. of poppy husk, which falls under the ambit of non-commercial quantity.

Learned counsel for the petitioner contends that the petitioner is in custody since 24.08.2022. He submits that the petitioner has been falsely implicated in the present case as the recovery is of non-commercial nature and the petitioner has been nominated as an accused in the FIR on

the basis of disclosure statement made by one Karan alias Karni. It is further submitted the recovery of the contraband was effected from the main accused Rajpal alias Kala and that all other three accused have been granted bail as shown vide Annexure P-3 to P-5. He further states that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he is a habitual offender as two other cases are registered against him in Rajasthan but does not dispute the fact that the recovery, which is non-commercial in nature, has been effected from the main accused Rajpal alias Kala, who has also been granted bail.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 24.08.2022.

It is not a case made out by the respondent-State that concession of bail if granted to the petitioner would hamper the course of free and fair trial. Further, since recovery comes under the non-commercial quantity and the co-accused have also been granted bail and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

16.01.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>