

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1633-2023

DATE OF DECISION: JANUARY 17, 2023

BUTA SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.

PRESENT: MR. AMIT CHOUDHARY, ADVOCATE FOR THE PETITIONER.
MR. KARAN GARG, AAG, HARYANA.

DEEPAK MANCHANDA, J.(ORAL)

The petitioner has preferred this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.188 dated 25.11.2022, under Section 22(b), 28(A), 61/85 NDPS Act, Police Station Jakhal, District Fatehabad.

As per the allegations leveled in the FIR, on suspicion, the petitioner was apprehended by a police party headed by SI Shishpal Singh near village Rattatheh on Jakhal-Kullan main road and on his search, 7 bottles of Wincirex cough syrup, 100 ml. each were recovered from him.

Learned counsel for the petitioner contends that a false case has been foisted upon the petitioner, who is in custody since 25.11.2022. He submits that the quantity of contraband recovered falls under the category of 'non-commercial'. He submits that petitioner is not involved in any other case of similar nature and prays that as the trial yet to commence, therefore, the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Ram

Kumar has opposed the aforesaid prayer on the ground that the petitioner was apprehended on the spot. However, he has not disputed that the contraband recovered is 'non-commercial' in nature.

Considering the above background and the fact that the recovered contraband falls under the ambit of 'non-commercial category', and the trial is yet to commence, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 17, 2023
Gulati

(DEEPAK MANCHANDA)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No