

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-8410-2023

Date of Decision: 13.04.2023

Ranjeet

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Gaurav Bansal, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Reply dated 12.04.2023, filed by way of affidavit of Sh. Veer Singh, Deputy Superintendent of Police (City), Karnal, on behalf of respondent-State, is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 217 dated 03.06.2022 registered under Sections 18/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Nissing, District Karnal.

Brief facts of the case are that on 03.06.2022, the patrolling party on the basis of secret information apprehended co-accused-Suresh Kumar, for having in his conscious possession 510 grams of opium. During interrogation, he disclosed that he procured the said contraband from petitioner-Ranjeet for a sum of Rs.64,000/-. The investigating agency arrested the petitioner in the present case with the aid of Section

29 of the NDPS Act.

Learned counsel for the petitioner, *inter alia*, contends that petitioner was not apprehended at the spot. He has falsely been implicated in the case on the basis disclosure statement suffered by his co-accused, which is a very weak type of evidence. No independent witness was joined at the time of alleged recovery. Even otherwise the quantity of recovered contraband falls under the category of “non-commercial quantity”. The petitioner is in custody since 20.12.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Co-accused of the petitioner, namely; Suresh Kumar, had already been enlarged on bail by this Court vide order dated 08.12.2022 (Annexure P-2). Thus, it is prayed that treating the case of petitioner on the same parity as that of his co-accused, he may also be granted the concession of regular bail.

On the other land, learned State Counsel has opposed the present petition in terms of reply dated 12.04.2023 filed in Court today.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, particularly the fact that the quantity of contraband allegedly recovered from the co-accused of the petitioner falls under the category of “non-commercial quantity” and also the fact that co-accused, of the petitioner namely; Suresh Kumar, had already been enlarged on bail by this Court, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-

Ranjeet, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/ Chief Judicial Magistrate, concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

13.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No