

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

243

CRM-M-13022-2023

Date of Decision: 02.06.2023

Hardeep Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present second petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 181 dated 06.11.2022 registered under Sections 21-B and 27-A of the NDPS Act at Police Station Jakhal, District Fatehabad.

According to the prosecution story, the petitioner along with his co-accused-Jagsir Singh @ Jagsir Ram, on suspicion were apprehended by SI Shishpal, while they were travelling in a white car bearing registration No. HR-26-BR-7982 and recovery of 09.08 grams of heroin was effected from the conscious possession of the accused in the presence of Sanjay Sachdeva, ADO, Jakhal. During interrogation, the petitioner and his co-accused-Hardeep Singh, had suffered disclosure statements qua purchase of 10 grams of heroin from accused Sukha @ Navi @ Kala.

Learned counsel, *inter alia*, contends that the petitioner has

been falsely implicated in the present case. The contraband recovered from the petitioner falls under the category of 'non-commercial quantity'. Petitioner is in custody since 06.11.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Jagsir Singh @ Jagsir Ram, had already been granted the concession of regular bail by this Court vide order dated 16.03.2023, passed in CRM-M-12207-2023. Thus, it is prayed that the petitioner may also be released on regular bail.

On the other hand learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, period of custody, the fact that the contraband recovered from the petitioner falls under the category of 'non-commercial quantity' and also the fact that co-accused of the petitioner, namely; Jagsir Singh @ Jagsir Ram, had already been granted the concession of regular bail by this Court vide order dated 16.03.2023, but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Hardeep Singh, 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.

June 02, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No