

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M No.16881 of 2023 (O&M)
DATE OF DECISION: 21st JULY, 2023

Balraj @ Bittu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vaibhav Sharma, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.360 dated 05.09.2022 registered under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Beri, Jhajjar.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is false and concocted. The petitioner is not involved in the crime as alleged against him. Just to create a false case against the petitioner, the police have fabricated the alleged recovery of 1 Kg and 12 Grams of Charas. Even, the said weight was done by the alleged Recovering Officer along with the carry case so as to make the quantity commercial. The petitioner is in custody since 06.09.2022. The

petitioner is not required for any investigation purposes. Therefore, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State counsel submits that the quantity recovered from the petitioner is commercial. The petitioner is a habitual offender, having been involved in as many as seven cases, including one more case under the NDPS Act. Hence, the petitioner does not deserve any concession of bail. However, it is not disputed by learned State counsel that the petitioner is in custody since 06.09.2022.

4. As reply to the arguments of learned State counsel, learned counsel for the petitioner has submitted that the petitioner has already been acquitted in five cases and in the case under NDPS Act, the petitioner is already on bail.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

21st JULY, 2023
'sandeep'

(RAJBIR SEHRAWAT)
JUDGE

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