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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16738-2023

Decided on: 07.07.2023

Tarun @ Gola

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Tamana Sharma, Advocate for
Mr. Bhagwat Dayal Sharma, Advocate
for the petitioner.

Ms. Harpreet Kaur, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.636 dated 18.09.2022, under Section 21 of the NDPS Act, registered at Police Station Krishna Gate Thanesar, District Kurukshetra.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 18.09.2022, which is almost ten months and after the completion of investigation of the case, challan has been presented but charges have not been framed till date. She further submitted that even otherwise also the alleged recovery from the petitioner is only 20 grams of *Heroin*, which does not fall in the category of commercial quantity and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Punjab, has

submitted that although the recovery from the petitioner is 20 grams of *Heroin* but the petitioner is a habitual offender and involved in 3 more cases under the NDPS Act and as per the allegations the petitioner was selling *Heroin* at cheap rate to the boys for their consumption. She further submitted that in view of the aforesaid position, the petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsel for the parties.

5. As per the allegations contained in the FIR and as per the submissions made by the learned State Counsel that the petitioner was selling *Heroin* at cheap rate to the boys at the place from where he was caught. As per the affidavit filed by the DSP, HQ, Kurukshetra, the provision of Section 50 of the NDPS Act has also been complied with. The petitioner is stated to be involved in 3 more cases under the NDPS Act. The menace of intoxicant substance especially *Heroin* is increasing and considering the aforesaid position where the petitioner is involved in 3 more cases under the NDPS Act and as per the FIR, the petitioner was found selling *Heroin* to the boys from where he was caught, this Court does not deem it fit and proper to grant bail to the petitioner.

6. Consequently, the present petition is hereby dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

07.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No