

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.18034 of 2023
Date of decision: 21st April, 2023

Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek Suri, Advocate for the petitioner.
Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.15 dated 28.01.2023 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner inter alia submits that the petitioner, who has been in custody since 28.01.2023, has been falsely implicated in the case in hand. He further submits that the petitioner was allegedly apprehended by the police while he was carrying 12 grams of Smack (non-commercial quantity), which was not found from the personal search of the petitioner but from a packet which was lying beneath the driver's seat of his car. It has been further submitted that

only challan stands presented and there is no likelihood of the trial concluding in the near future as charges are yet to be framed. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

On a pointed query put to the learned counsel for the petitioner as to whether the petitioner was involved in any other case under the NDPS Act, he has replied in the negative.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions ASI Sukhpal has not been able to controvert that the alleged recovery i.e. 12 grams of Smack falls under the non-commercial quantity and it was effected from a packet which was lying beneath the driver's seat of the car which was being driven by the petitioner. However, learned State counsel, on further instructions submits that though the petitioner is not involved in any other case under the NDPS Act, however he is involved in two other cases, i.e. one under Section 138 of the Negotiable Instruments Act, 1881 and the other one under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 28.01.2023 and only final report under Section 173 Cr.P.C. has been presented till date. The trial, therefore, will take considerable time to conclude. The petitioner is not stated to be involved in any other case under the NDPS

Act. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add here that in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

April 21, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No