

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-18152-2023

Decided on:-21.04.2023

Angrej Sharma

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Munish Dev Sharma, Advocate,
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.0815 dated 05.09.2022, under Section 21 of NDPS Act, 1985, registered at Police Station Shahabad.

Learned counsel for the petitioner submits that the petitioner was implicated on the basis of disclosure statement made by the co-accused Simranjit Kaur, who was arrested at the spot and from whom 50.84 grams of Heroin was recovered, which is intermediate quantity.

Learned counsel for the petitioner submits that the petitioner is in custody since 24.02.2023 and the investigation in the present case already stands concluded, however, challan is yet to be filed, thus, the trial is likely to take some time. He also points out that no recovery has been effected from the petitioner.

On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that he is involved in one more case of similar nature, though, he has already been granted the concession of bail, the recovery being of only 05 gram of intoxicant powder.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in submissions made on behalf of the petitioner.

Considering the fact that no recovery has been effected from the petitioner, he being behind the bars for the last about 2 months, besides having been arrayed as accused on the basis of disclosure made by Simranjit Kaur, who has already been arrested and recovery has already been made, which is intermediate quantity, there does not appear to be any justification to extend his incarceration.

As regards registration of one more case of similar nature against the petitioner, in that case he has already been granted the concession of bail, the recovery being of only 05 grams of intoxicant powder.

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

21.04.2023
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(HARKESH MANUJA)
JUDGE

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