

**107+219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-20505-2023 in/and
CRM-M-20834-2023
Date of decision: 25.05.2023**

MOHIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. V.B.Godara, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI,J. (ORAL)

CRM-20505-2023

1. This is an application for placing on record the copy of order dated 20.03.2023 passed by the learned Additional Sessions Judge, Fatehabad as Annexure P-4.
2. CRM application is disposed of and Annexure P-4 is taken on record, subject to all just exceptions.
3. Registry to tag the same at the appropriate place.

Main case

4. Custody certificate of the petitioner has been circulated today and the same is taken on record.
5. Mohit-petitioner is seeking regular bail in the case bearing FIR No.03 dated 02.01.2023 under Sections 21b/27-A of NDPS Act, 1985, registered at Police Station City Fatehabad, District Fatehabad.
6. Learned counsel for the petitioner contends that the aforesaid FIR has

**CRM-20505-2023 in/and
CRM-M-20834-2023**

-2-

grams of heroin. The petitioner has been sought to be nominated on the basis of disclosure statement of the co-accused and nothing has been recovered from him. Moreover, the quantity of contraband recovered in the instant case falls in the category of less than commercial quantity. The petitioner is in custody for a period of 03 months and 10 days. Though, the petitioner is involved in another case under NDPS act but it pertains to recovery of 09 grams of heroin and the petitioner is on bail in that case.

7. Learned State counsel has opposed the bail application only on the score that the petitioner is involved in another case under NDPS Act.

8. It is significant to note that the quantity of contraband recovered from the co-accused in the instant case falls in the category of less than commercial quantity and the petitioner has been sought to be nominated on the basis of disclosure statement of the co-accused. Nothing has been recovered from the petitioner in the instant case. Besides the disclosure statement of the petitioner to the effect that he had purchased 15 grams of heroin from the co-accused Aman @ Kali for Rs.12,000/- and recovery of Rs.500/- from him, there is lack of material to indicate that the petitioner had been indulging in financing, directly or indirectly in narcotic trade. Moreover, in another case under NDPS, the petitioner is on bail and it pertains to recovery of 09 grams of heroin. The investigation of the case is complete, challan has been presented and the conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

9. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his

**CRM-20505-2023 in/and
CRM-M-20834-2023**

-2-

furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

10. The petition is allowed accordingly.

25.05.2023

renubala

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No