

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-24630-2022

Date of decision : 21.03.2023

Pankaj Poonia

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.13 dated 09.01.2022 registered under Sections 15(c), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 332, 353, 186, 307, 427, 465 and 472 of the Indian Penal Code, 1860 at Police Station Sadar Fatehabad, District Fatehabad.

Brief facts of the case are that on 09.01.2022, on receipt of secret information, a police party headed by SI Bhajan Dass put a barricade in front of Water Works, Village Khara Kheri. After sometime, police party saw a Breeza car coming from the side of village Agroha. When the police gave signal to stop the same, the driver of the car accelerated speed of the car and with an intention to kill ASI

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Suryakant and ASI Jasbir Singh, he tried to run over them, however, they saved themselves by jumping on other side. When EHC Radhey Shyam tried to stop the Breeza car by putting the Govt. vehicle in front of Breeza car then the driver of the car hit his car against the Govt. vehicle. The police apprehended the accused who told his name Pankaj Poonia (the petitioner). On search, 52 kgs 230 grams of Doda Post contained in 03 plastic bags was recovered from the car of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The alleged quantity of contraband recovered from the petitioner is marginally above then the non-commercial quantity. Mandatory provisions of the NDPS Act were not complied with by the police. There is no injury on any person and Section 307 of the IPC has been added to make the present case more serious. The petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 09.01.2022. Challan has been presented and charges are yet to be framed. The trial is likely to take long time. Nothing is to be recovered from the petitioner. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition on the ground that the petitioner directly hit the police party with his car with an intention to kill them and thus, Section 307 of the IPC has been rightly added in the present case. The contraband recovered from the petitioner falls under the commercial quantity. The

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petitioner is also involved in 02 other cases under the IPC, however, no other case under the NDPS Act is pending against the petitioner.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that the quantity of contraband recovered from the petitioner is marginally above than the non-commercial quantity, the petitioner is not involved in any other case under the NDPS Act and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Pankaj Poonia is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

21.03.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No