

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

CRM-M-23916-2023

Date of Decision: 16.05.2023

Shunty

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Ramender Singh Chauhan, AAG, Haryana.

ASHOK KUMAR VERMA, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.23 dated 05.02.2023 registered under Section 21-B/-27-A of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bhattu Kalan, District Fatehabad.

Learned counsel for the petitioner has argued that as per the prosecution case, when the police party headed by ASI Jaibir Singh was present near Canal Branch Fatehabad Road while patrolling and crime checking, then one person was seen coming from the side of Bhattu Kalan on foot who on seeing the police party in his front tried to turn and he was apprehended with the help of the other police officials at some distance and on asking, that person disclosed his name Abhin alias Rinku. On search recovery of 10 grams of heroin was effected from the transparent pouch from

the possession of the said person. When the aforesaid Abhin alias Rinku was produced in the Court on 06.02.2023 and during investigating on finding evidence against the present petitioner-accused Shunty son of Sanjay Kumar, he was arrested in the present case and he also got recovered Rs.1500/- of Heroin. He also identified the place where he had sold Heroin.

He further submits that the petitioner has been arrested on the disclosure of one Abhin alias Rinku and the trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody and even the quantity of contraband recovered is non-commercial. Therefore, the petitioner may be released on regular bail and there is no other case registered against the petitioner under NDPS Act.

On the asking of the Court, Mr. Ramender Singh Chauhan, AAG, Haryana, accepts notice on behalf of the respondent-State and files a custody certificate dated 15.05.2023, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

Learned State counsel strongly opposes the grant of bail to the petitioner as the petitioner has apprehended with the contraband and now a days the drug peddling has become a menace to the society and the petitioner if released may again indulge in such kind of activity.

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

Keeping in view the facts and circumstances of the case and period of custody of the petitioner as also the fact that the quantity of contraband recovered from him is in very small quantity and he admittedly

not being involved in any other case and also the fact that the trial likely to take long time and the co-accused of the petitioner has already been granted bail 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, petitioner-Shunty 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.

(ASHOK KUMAR VERMA)
JUDGE

May 16, 2023
dharamvir

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO