

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

220

CRM-M-26157-2023

Date of Decision: 29.05.2023

Satish

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Pranshul Dhull, Advocate
for the petitioner.

Mr. Karan Sharma, D.A.G. Haryana.

GURBIR SINGH, J.(ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 23 dated 18.01.2023 under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sector-65, District Gurugram.

2. As per version of the prosecution, on secret information, police apprehended the petitioner and on personal search, 5.75 grams smack was recovered from his possession.

3. Learned counsel for the petitioner submits that the recovery from the petitioner is slightly higher than the small quantity. The petitioner is in custody since 20.01.2023. Challan has already been presented on 15.03.2023.

4. Custody certificate dated 27.05.2023 has been filed in Court today, which is taken on record.

5. The State counsel has opposed the petition. He has admitted that the petitioner has undergone custody of 04 months and 08 days in this

case. Challan has already been presented on 15.03.2023.

6. Heard.

7. Recovery from the petitioner is of medium quantity of (heroin) smack. As per Schedule, it is slightly more than the small quantity. No other case under the NDPS Act is pending against the petitioner. Provisions of Section 37 of the NDPS Act, are not attracted. Challan has already been presented on 15.03.2023. The petitioner is in custody since 20.01.2023, the completion of trial will take long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/ surety bonds, to the satisfaction of learned trial Court/ Duty Magistrate, concerned. With the further condition that the petitioner shall file an affidavit about his place of residence during the pendency of the trial. In case, the petitioner changes his residence, then he will before changing residence will inform the Court concerned. In case of violation, the prosecution is at liberty to move an application before the learned trial Court to cancel the bail, so granted to the petitioner. Further, he shall not indulge in any such act during the pendency of this case.

9. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

(GURBIR SINGH)
JUDGE

29.05.2023
Satyawar

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No