

CRM-M-30056-2022

2023:PHHC:046637

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

CRM-M-30056-2022

Decided on:-29.03.2023

Pardeep

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rakesh Kumar Lathwal, Advocate with
Mr. Man Mohit Malik, Advocate for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail pending trial in case FIR No.83 dated 05.02.2022, under Sections 20 of NDPS Act, 1881 (Section 29 of NDPS Act added later on), registered at Police Station City Rohtak, District Rohtak (Haryana).

The allegation against the petitioner is of alleged recovery of 23 kg and 200 gms of “Ganja”, which is marginally higher than the non-commercial quantity.

Learned counsel for the petitioner submits that the petitioner is in custody for the last more than one year and one month now and the investigation in the present case already stands concluded with the filing of challan on 30.04.2022, thus, trial is likely to take some time. He further submits that there is no other case of NDPS pending against the petitioner.

He also submits that the alleged recovery from the petitioner is just above

the non-commercial and thus, he deserves concession of bail. For the said purpose, he relies upon judgment of this Court passed in CRM-M-41242-2019, titled as ***“Jagjit Singh @ Jagga Gill and others vs. State of Punjab”***, decided on 27.02.2020. Learned counsel also relies upon order dated 13.02.2023 passed in CRM-M-1996-2023, titled as ***“Viresh Kumar vs. State of Haryana”*** to point out that though the co-accused of the petitioner implicated on the basis of disclosure, he has been granted the concession of bail in the present FIR.

On the other hand, learned State counsel opposes the prayer made by the petitioner while submitting that the alleged recovery being of commercial quantity, custody period being less, he does not deserve the concession of regular bail.

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

Considering the fact that the investigation already stands concluded with the filing of challan, the trial being likely to take some time and the fact that the alleged recovery from the petitioner is just above the non-commercial quantity, besides it, there being no other case of NDPS Act pending against him as well as keeping in mind the aforesaid judgment, no useful purpose is going to be served by extending the incarceration of the petitioner any further, who is behind the bars for the last more than 1 year and 1 month.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be

released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

29.03.2023
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE