

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

293

CRM-M-31948-2023

Date of decision: 12.07.2023

Ranjeet Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.107 dated 07.05.2023 under Sections 18 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Tohana, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand for allegedly having been found in possession of 255 grams of opium (non-commercial quantity). He submits that after the petitioner was arrested along with the alleged contraband on 07.05.2023 challan stands presented. It has also been submitted that there has been partial compliance of Section 50 of the NDPS Act which further hinted towards the petitioner's false implication in the case in hand. It has been submitted that the petitioner has clean antecedents as it is a matter of record that he is not involved in any other criminal case much less

under the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite has not been able to controvert that the alleged recovery effected i.e. 255 grams of opium fell under non-commercial quantity and also that the petitioner was not involved in any other criminal case. However, he submits that it was a case of chance recovery and it was effected in the presence of a Gazetted Officer i.e. SDO Irrigation. He further submits on instructions that next date fixed before the Trial Court is 17.07.2023 when there is a likelihood of the charges being framed.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 07.05.2023 and investigation in the case in hand is complete as report under Section 173(2) of the Cr.P.C. stands presented. The recovery allegedly effected from the petitioner falls under non-commercial quantity. Since the trial is unlikely to conclude any time in the near future as not only charges have not been framed but as many as 15 prosecution witnesses have been cited, this Court, therefore, deems it appropriate to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the

concession of bail granted to him, the State would be at liberty to seek
cancellation of the same.

12.07.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No