

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

228

CRM-M-33465-2023 (O&M)  
Date of decision: 19.07.2023

SHANKAR PARSHAD ALIAS BHOLA ...Petitioner

Versus

STATE OF HARYANA ...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Rishab Garg, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

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**HARNARESH SINGH GILL, J. (ORAL)**

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 59 dated 20.02.2023 registered under Sections 21(B) of the NDPS Act, at Police Station Farrukh Nagar, District Gurugram.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the alleged recovery of 10 grams of *Heroin* effected from the petitioner is marginally above the small quantity but the fact remains that the petitioner has been in custody since 20.02.2023; that in another case under IPC, the petitioner has been acquitted vide judgment dated 19.09.2017; that the challan has been filed and charges are yet to be framed and that there is no other case pending or registered against the petitioner under the NDPS Act.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the recovery effected from the right

pocket of the petitioner kept in a polythene is marginally above the small quantity. He further submits that the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Though the recovered contraband in the present case, is marginally above the small quantity, yet the fact remains that the petitioner has been in custody since 20.02.2023 and that the prosecution witnesses are yet to be examined. In such circumstances, trial of the case would take a long time to conclude. There is no other case registered or pending against the petitioner under the NDPS Act. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)  
JUDGE

19.07.2023  
Mangal Singh

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |