

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34557-2022
Date of Decision:-12.04.2023

AMAN KUMAR @ PAMMA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.22 dated 16.01.2022 registered under Sections 489-B and 489-C IPC and Section 21 of NDPS Act at Police Station City, District Sirsa.

The allegations in nut-shell are that on 16.1.2022, the police recovered 15.65 grams of heroin and fake currency notes worth Rs.1,47,800/- from the petitioner and he was immediately arrested at the spot.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and the alleged

recovery of 15.65 grams of heroin comes under non-commercial quantity and thus is not covered under the embargo provided in Section 37 of NDPS Act. It is further contended that after completion of investigation challan has been presented but report of FSL with regard to fakeness of the currency notes alleged to be recovered from petitioner, is still awaited. The counsel for the petitioner further submits that the petitioner is already incarcerated for a period of 1 year and 2 months and the trial is not progressing ahead and that co-accused Sachin @ Sonu is already granted interim bail by this Court vide order dated 13.5.2022. So prayer is made that the petitioner be also released on regular bail.

The instant petition is resisted by the State counsel, who submits that there are specific allegations against the petitioner to the effect that he was found in possession of 15.65 grams of heroin and fake currency notes worth Rs.1,47,800/- at the time of his arrest. The State counsel further submits that as per the custody certificate, petitioner is also involved in 2 other cases under the NDPS Act, in which, he is on bail. The State counsel has not disputed the fact that the report with regard to examination of the alleged fake currency notes is still awaited from FSL. The State counsel has also not refuted the fact that the heroin which is recovered from the petitioner comes under non-commercial quantity of contraband and that the entire case is based on testimonies of official witnesses.

I have considered the submissions made by counsel for the parties.

Admittedly the contraband alleged to be recovered from possession of the petitioner comes under non-commercial quantity and thus

is not covered under the rigors of Section 37 NDPS Act. Further in another two criminal cases being faced by the petitioner, he is already enlarged on bail as is evident from the custody certificate furnished by the State counsel. Admittedly till date there is no report of FSL available to *prima facie* establish that the alleged currency recovered from the petitioner is fake. The petitioner is in custody for the last 1 year and 2 months and the trial is not progressing ahead. In the given circumstances, no purpose is going to be served by prolonging the judicial custody of the petitioner.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

12.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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