

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44214-2022 (O&M)
Date of Decision: 16.2.2023

Jagtar Singh @ Jagga

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vikas Bishnoi Godara, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.244 dated 13.7.2022 registered for the offences punishable under Sections 21(b) of NDPS Act and Section 201 of IPC at Police Station City Ratia, District Fatehabad.

As per allegations recorded in the FIR, the petitioner was apprehended by the police and 10.15 grams of Heroin was recovered from his possession on 13.7.2022 and thereafter, on the disclosure made by the petitioner, one Jangir Singh was named as accused in this case.

Counsel for the petitioner submits that the petitioner is in custody for the last more than 7 months and is on bail in another criminal case registered against him under the provisions of the NDPS Act. He further submits that the present case comes under non-commercial quantity and as such, embargo provided under Section 37 of NDPS Act is not

applicable. He further submits that trial is yet to commence and that co-accused Jangir Singh is enlarged on bail and as such, no purpose is going to be served by prolonging the judicial custody of the petitioner.

Present petition is resisted by the State counsel who on instructions from ASI Kailash Chand submits that no doubt, 10.15 grams of Heroin which comes under non-commercial quantity was recovered from the possession of the petitioner but at the same time, the petitioner is involved in one another case under NDPS Act and as such, is not entitled to grant of regular bail. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 7 months and that the trial is yet to commence and further, co-accused Jangir Singh has already been granted concession of bail.

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

Present case is relating to recovery of 10.15 grams of Heroin from the possession of the petitioner and the same falls under non-commercial quantity and thus, rigors of Section 37 of NDPS Act are not applicable to the case of the petitioner. Admittedly, no recovery was effected from co-accused Jangir Singh who has been granted bail. The petitioner is behind the bars for the last more than 7 months and the investigation has been completed but trial is yet to commence.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

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

(KARAMJIT SINGH)
JUDGE

February 16, 2023
Paritosh Kumar

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