

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-44192-2022

Date of Decision: 13.01.2023

Dharambir @ Tuti

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. K.L. Saini, Advocate for the petitioner.

Mr. Munish Sharma, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 12.01.2023 filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 242 dated 28.06.2022 registered under Sections 22(b) of the NDPS Act at Police Station Narwana City, District Jind.

As per prosecution story, on the basis of secretion information, the petitioner was apprehended by ASI Ramesh Kumar and other police officials on 28.06.2022. On personal search of the petitioner, 10 grams heroin was recovered in a black colour polythene recovered from the left pocket of blue colour lower of the petitioner.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. The contraband recovered from the petitioner falls under the category of 'non-commercial

quantity'. The petitioner is in custody since 28.06.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Thus, it is prayed that the petitioner may be granted the concession of regular bail.

On the other land, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. Learned counsel for the State submits that petitioner is a habitual offender and as per custody certificate, he is involved in 8 more cases.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the fact that the alleged recovery of heroin from the petitioner is an intermediate quantity, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Dharambir @ Tutu, is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity or in a case under the NDPS Act, during the period of bail.

January 13, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No