

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

234

CRM-M-46286-2022

Date of Decision: 10.01.2023

Samsudin @ Raju

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.K. Bishnoi, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 09.01.2023 filed in Court today 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. 430 dated 09.08.2022 registered under Sections 21(b) and 29 of the NDPS Act (Section 27A of the NDPS Act was added subsequently) at Police Station City, Fatehabad, District Fatehabad.

As per prosecution story, on 09.08.2022, on the basis of secret information, the police party headed by ASI Richhpal Singh, jointly apprehended the petitioner and his co-accused, namely, Mangaljeet Singh @ Chepi and Rohit @ Kala. On search, 30 grams of heroin was recovered from the footrest of the scooty being driven by co-accused Rohit @ Kala and Mangaljeet Singh @ Chepi, who disclosed

that the recovered contraband was purchased by them from the present petitioner. On personal search of the petitioner, Rs.27,000/- were also recovered. The recovered contraband and currency notes worth Rs.27,000/- were taken into police possession, in accordance with law.

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 and his co-accused falls under the category of 'non-commercial quantity'. After completion of investigation, challan has already been presented before the trial Court and the next date before the trial Court is 13.01.2023, for framing of charge. However, FSL report has not been filed so far. The petitioner is in custody since 09.08.2022. 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 released on regular bail.

On the other land, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, learned State counsel fairly conceded the fact that the FSL report has not been received as yet.

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 and his co-accused is an intermediate quantity and the fact that FSL report has not been filed so far, 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-Samsudin @ Raju, 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 during the period of bail.

January 10, 2023
rishu

(ASHOK KUMAR VERMA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>