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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 48450 of 2023

Date of Decision:- 12.12.2023

JAGBANDHU @ JAGAT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Mohan Singh Rana, Advocate, for the petitioner.

Mr. Surender Singh, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
57	14.03.2021	20(B)(ii) (B), 29 NDPS Act	Sushant Lok, district Gurugram

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was nominated on the basis of disclosure statement made by co-accused Sayed who was arrested by police with 1 kg 390 grams of ganja. He submits that even co-accused Sayed has been granted

concession of bail by learned trial Court as recovery effected from him is non commercial in nature. He submits that no recovery has been effected from the petitioner and he is in custody since 18.07.2023 as such he prayed for concession of bail to the petitioner.

3. Learned State counsel has however prayed for dismissal of bail application considering the nature and gravity of offence. However he has not disputed that 1 kg 390 grams of ganja was recovered from the co-accused Sayed and he has been granted concession of bail and referring to the custody certificate dated 11.12.2023, he submits that the petitioner is in custody since 18.07.2023.

4. After considering the rival contentions and perusing the record, it transpires that the recovery of 1 kg 390 grams of ganja was effected from the co-accused Sayed and the same does not fall within the purview of commercial quantity. Co-accused Sayed has since been granted concession of bail. Petitioner is in custody since 18.07.2023, challan has already been presented in Court, and criminal liability, if any, on the petitioner would be determined after completion of trial which will take sufficient long time and no useful purpose would be served by detaining the petitioner any longer in custody.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other

case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.12.2023
Gyan

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |