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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-48644-2023
Date of decision: 29.09.2023**

HARPREET SINGH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Harjinder Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 271 dated 28.06.2023, under Section 20 of NDPS Act, 1985 registered at Police Station Sector 13/17, Panipat, District Panipat (Annexure P-1).

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for about 3 months and the investigation of the case has been completed and thereafter, challan has been presented before the competent Court. He further submitted that the petitioner is not involved in any other case and has been falsely implicated in the present case. He submitted that as per the allegations the police had raided a car from where the petitioner along with two other co-accused persons were apprehended. He further submitted that from the

petitioner allegedly there was confiscation of 605 grams of charas which does not fall in the category of commercial quantity as per the NDPS Act the commercial quantity of charas is defined at 1 Kg. However, there was recovery of 1 Kg and 524 grams from the other co-accused namely, Rakesh and 1 Kg 250 grams from the other co-accused namely, Gurtej respectively.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has submitted that it is correct that the petitioner is in custody for about 3 months and challan has been presented and so far as the petitioner is concerned the recovery from him was 605 grams and it does not fall in the category of commercial quantity but since the total recovery from all the petitioners is more than the commercial quantity, therefore, the petitioner is not entitled for the grant of regular bail. She has however submitted that the petitioner is not involved in any other case and the investigation in the present case has already been completed.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for about 3 months and he has no criminal antecedents. The recovery from the petitioner is stated to 605 grams of charas which does not fall in the category of commercial quantity. Although, there was alleged recovery of 1 Kg and 524 grams from the other co-accused namely, Rakesh and 1 Kg 250 grams from the other co-accused namely, Gurtej, as per the learned counsel for the parties but so far as the present petitioner is concerned the recovery of quantity does not fall in the category of commercial quantity. While considering the prayer of bail this Court shall also consider the fact that the petitioner is a young boy of the age of 23 years and he stated to be

having no criminal antecedents and not involved in any other case. The petitioner has alleged false implication in the present case. From him the alleged recovery is 605 grams and therefore, this Court is of the considered view that considering the aforesaid facts and circumstances the bar contained under Section 37 of the NDPS Act will not apply to the petitioner.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

29.09.2023
M.Sikka

(JASGURPREET SINGH PURI)
JUDGE

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