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

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**CRM-M-57680-2022 (O&M)**

**Date of Decision: 14.03.2023**

Satnam Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Sukhvir Singh Sahu, Advocate  
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

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**HARSH BUNGER J. (ORAL)**

**CRM-11163-2023**

The present application is filed for placing on record copy of sale deed dated 27.11.2009 (Annexure A-1) and affidavit dated 27.05.2005 (Annexure A-2).

For the reasons mentioned in the application, the same is allowed and Annexure A-1 and Annexure A-2 are taken on record, subject to all just exceptions.

**CRM-M-57680-2022**

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.306 dated 20.10.2022, under Sections 15 and 29 of Narcotic

Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Ratia, District Fatehabad.

Custody certificate dated 13.03.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

Brief facts of this case are that on 20.10.2022, when Sub Inspector Dilbagh Singh (complainant) along with fellow police officials was on patrolling duty to prevent smuggling of contraband in the village and at that time a boy was seen coming from the side of Village Hukmawali, holding a plastic bag of white colour in his left hand and on the basis of suspicion, complainant along with police officials apprehended the petitioner and after due compliance of the provisions of Section 50 of the NDPS Act, recovery of 4 kg and 750 grams of poppy husk was effected from the plastic bag carried by the petitioner, in the presence of Shri Sarabjeet Singh, Assistant Professor, Government Women College, Ratia.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. Learned counsel further submits that the alleged recovered contraband falls under the category of non-commercial quantity. It is further submitted that the petitioner has been in custody since 20.10.2022 and the petitioner is involved in one other case under NDPS Act i.e. FIR No.27, dated 27.04.2012, under Sections 15 and 25 of the NDPS Act, wherein the petitioner was convicted and sentenced for a period of one year; against which the petitioner has preferred an appeal and sentence imposed upon petitioner was suspended by a Co-ordinate Bench of this Court in CRM No.10259 and CRM No.10260 of 2015 in CRA-S-420-SB-2015 vide order dated 20.04.2015. Learned counsel submits that the investigation is complete and challan has already been presented on

17.12.2022. Learned counsel next submits that the conclusion of trial would take some time and the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, it is not disputed that the petitioner has been in custody for more than four months. It is also not disputed that the investigation is complete and challan has already been presented on 17.12.2022. It is further not disputed that the alleged recovered contraband in this case i.e. 4kg -750 grams of poppy husk falls under category of non-commercial quantity and bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act is not attracted.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate filed by learned State counsel, in Court today.

In this case, the recovered contraband is non-commercial in nature. The petitioner has been in custody for the last more than 4 months, and investigation in this case is complete, the challan has already been presented against the petitioner on 17.12.2022. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his

address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity, during the pendency of the trial.

The petitioner shall appear before the police station concerned on every alternate Monday of each month till the conclusion of the trial.

In addition, the petitioner (or any one on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law, in case of the absence of the petitioner from trial without sufficient cause.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

**14.03.2023***Himani***(HARSH BUNGER)  
JUDGE**

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|--------------------------------|--------|
| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable :        | Yes/No |