

210-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 55349 of 2023

Date of Decision:- 08.12.2023

RAMAN KUMAR @ RAMAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Gurveer Singh Sidhu, 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
0268	22.08.2023	20 NDPS Act (29 added lateron)	Sector-5, Panchkula

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 the petitioner was arrested on 22.08.2023 and from his possession 700 grams of Charas was recovered, which does not fall within

the purview of commercial quantity. He submits that there is one other case under NDPS Act registered against the petitioner and as such prays for grant of concession of bail.

3. *Per contra*, learned State counsel has opposed the bail application by submitting that 700 grams of charas was recovered from the petitioner, hence he is not entitled to bail. However he admitted the factual matrix and also the fact that no other case under the NDPS is registered against the petitioner.

4. After considering the rival contentions and perusing the record, it transpires that admittedly the petitioner was arrested in this case on 22.08.2023 and from his possession non-commercial quantity of Charas was recovered. The presentation of challan and subsequent conclusion of trial will take sufficient long time and thereafter the criminal liability, if any, of the petitioner could be ascertained.

5. Considering the above facts and circumstances, if find no useful purpose would be served by detaining the petitioner in custody any longer. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in 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. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.12.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No