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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*\*

CRM-M-56101-2023

Date of Decision: 14.11.2023

Rameshwar

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**Present:** Mr. R.S. Mamli, Advocate  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.499 dated 17.09.2023, under Sections 18/27-A/61/85 of the NDPS Act, registered at Police Station Sadar, District Fatehabad.

2. Learned counsel for the petitioner submitted that the petitioner is in custody since 18.09.2023 and there was an alleged recovery of 200 grams of *Opium* from the motorcycle which he was driving. He further submitted that there was no recovery from the conscious possession of the petitioner and the aforesaid quantity does not fall in the category of commercial quantity under the NDPS Act. He also submitted that the other co-accused, who was nominated on the basis of the disclosure statement of the present petitioner, has already been

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extended the benefit of regular bail by the learned trial Court. He further submitted that the investigation of the case has already been completed and the challan has also been presented before the competent Court and the trial of the case may take long time, therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana stated that it is correct that the petitioner is in custody since 18.09.2023 and the police has already completed the investigation of the case. So far as the recovery is concerned, she submitted that in the present case there was a recovery of 200 grams of *Opium* from the motorcycle of the petitioner which does not fall in the category of commercial quantity. She has however submitted that the petitioner is involved in one more case under Section 15 of the NDPS Act.

4. I have heard learned counsels for the parties.

5. The petitioner is in custody since 18.09.2023 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. The alleged recovery of 200 grams of *Opium* from the motorcycle of the petitioner does not fall in the category of commercial quantity. The petitioner is stated to be involved in one more case under Section 15 of the NDPS Act but the mere pendency of the case would not become a ground for denial of bail to the petitioner. Furthermore, it is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may repeat the offence.

6. Therefore, considering the aforesaid totality of the facts and

circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

14.11.2023  
Bhumika

(JASGURPREET SINGH PURI)  
JUDGE

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