

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-59303-2022

Date of Decision: 06.01.2023

Raj Kishore Chaudhary

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Aakash Dalal, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 05.01.2023 filed in Court today is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.298 dated 08.09.2022 registered under Section 20 of the NDPS Act at Police Station Badli, District Jhajjar.

Brief facts of the case are that on 08.09.2022, the police party headed by SI Mukesh Kumar, on suspicion, apprehended the petitioner and on his personal search 3.7 kg of ganja was recovered from the bag carried by him. During investigation, he suffered a disclosure statement to the effect that he had to supply the alleged contraband to his co-accused Sunil of Delhi.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. The contraband

recovered from the petitioner falls under the category of 'non-commercial quantity'. The petitioner is in custody since 08.09.2022. He is not involved in any other case under the NDPS Act. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Co-accused of the petitioner, namely, Sunil @ Sunny, has already been granted the concession of regular bail by this Court vide order dated 09.11.2022, passed in CRM-M-50906-2022. Thus, treating the case of the petitioner on the same parity as that of his co-accused, he may also be released on regular bail.

On the other hand, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, learned State counsel conceded the fact that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the fact that the alleged recovery of 3.7 kg of ganja from the petitioner is an intermediate quantity and he is not involved in any other case under the NDPS Act and also treating the case of the petitioner on the same parity as that of his co-accused, namely, Sunil @ Sunny, who has already been granted the concession of regular bail by this Court vide order dated 09.11.2022, passed in CRM-M-50906-2022, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Raj Kishore Chaudhary, is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

January 06, 2023
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(ASHOK KUMAR VERMA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>