

291 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58175-2023

Decided on:-14.12.2023

Harish Kumar @ Titu

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nikhil Vats, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.507, dated 23.09.2023, registered under Sections 17-B, 27-A/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27-A/61 of the NDPS Act added later on), at Police Station Sadar Fatehabad, Fatehabad.

2. In the present case, the petitioner has been implicated for the alleged recovery of 500 grams of opium.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that this kind of offences are increasing day-by-day. Moreover, the custody period of the petitioner is too less, thus, he prays for dismissal of the present petition.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the

petitioner.

5. In the present case, petitioner happens to be a young boy of 25 years of age, who is behind the bars for the past 3 months now and he is not involved in any other case. Moreover, the investigation in the present case already stands concluded qua the petitioner, besides it, recovery is of non-commercial quantity. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

14.12.2023
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(HARKESH MANUJA)
JUDGE

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