

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60402-2022 (O&M)
Date of Decision: 06.01.2023

Manchit Gautam

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Saurav Khurana, Advocate
for the petitioner.

Mr. Bhupender Singh DAG, Haryana

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 426 dated 30.10.2022, under Sections 20 (b) (ii) of NDPS Act registered at Police Station DLF, Sector 29, District Gurugram, who is alleged to have possessed contraband of 511 grams of Charas (sulfa), which falls under the ambit of non-commercial quantity.

Learned counsel for the petitioner contends that the petitioner is in custody since 30.10.2022. He submits that the petitioner has been falsely implicated in the present case as the vehicle, from which the recovery has been effected, does not belong to him and he was just a co-passenger in the said vehicle. He further submits that the petitioner is not involved in any other case and the challan stands presented and the conclusion of trial will take sufficient time, therefore, the petitioner be

enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from S. I. Hardip Singh, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that the challan has been filed and there is no other case against the petitioner.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 31.10.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the trial would take sufficient time to conclude, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)

JUDGE

06.01.2023

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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No