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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 61674 of 2023
Decided on :- 13.12.2023

SANJAY ALIAS CHAUTALA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Vikas Bishnoi, Advocate for
for the petitioner.

Mr. Vikas Malik, DAG, 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:-

FIR No.	Dated	Sections	Police Station
502	20.09.2023	15(b), (27-A and 31of the NDPS Act added lateron)	Sadar Fatehabad, District Fatehabad

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner along with co-accused Chanderpal and Subhash was
apprehended by police on 20.09.2023 and from their possession alleged
recovery of 9.5 kgs. of poppy husk has been shown. He submits that infact
no recovery has been effected from the petitioner and the recovery does not

fall within the purview of commercial quantity. He submits that co-accused namely Rajesh Kumar and Subhash have been granted concession of bail by this Court vide orders dated 29.11.2023 and 04.12.2023 respectively. He submits that the petitioner is in custody since 20.09.2023. Hence he prayed for grant of bail.

3. Per contra, learned State counsel has opposed the bail application by arguing that recovery of 9.5 kgs. of poppy husk has been effected from the petitioner and co-accused, he however submitted that after investigation, challan has been presented in Court. He has not disputed that the co-accused namely Rajesh Kumar and Subhash had been granted concession of bail.

4. Considering the rival contentions and perusing the record, it is not disputed that the recovery effected in this case is of 9.5 kgs of poppy husk which does not fall within the purview of commercial quantity. The challan in the case has already been presented in the Court. Co-accused namely Rajesh and Subhash have already been granted concession of bail by this Court vide orders dated 29.11.2023 and 04.12.2023 passed in CRM-M-59031 of 2023 and CRM-M-59803 of 2023 respectively. The petitioner is in custody since 20.09.2023. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and considering the quantity of the contraband, I find no purpose would be served by detaining the petitioner any longer.

5. 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. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

13.12.2023

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