

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-773-2024
DECIDED ON: 16.01.2024

RAVI @ KALA @ RAVI MANN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.147, dated 28.06.2023, under Section 21 of NDPS Act, 1985, registered at Police Station Munak, District Karnal.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The recovery effected from the petitioner is of 8.76 grams of heroin, which falls under non-commercial quantity. He asserts that the Section 50 of Act has not been complied with in letter and spirit and no independent witness was made to join the investigation.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 6 months and 13 days and prays for dismissal of the present petition on the ground that the petitioner is involved in other cases.

4. On a query put by this Court, learned State counsel submits that after filing of challan, even the charges have not yet been framed.

5. Considering the alleged contraband i.e., 8.76 grams of heroin, which is non-commercial in nature, wherein trial will certainly take long time, as after filing of challan, even the charges are not framed, no useful purpose would be served by keeping the petitioner behind the bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India.

6. As far as the contention of learned State counsel with regard to pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

7. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. The present petition is hereby allowed.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

16.01.2024

Meenu

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