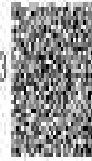


2024-PHHC-115643



214 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
CRM-M-2761-2024
Date of Decision:- 04.09.2024

Sadaam

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

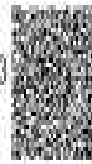
Present:- Mr. Adiya Sanghi, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Sadaam has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 305 dated 21.10.2022, under Sections 21(C)/29 of NDPS Act, registered at Police Station Ding, District Sirsa, Haryana.

2. Brief facts of the case are that the Investigating Officer along with police party on 21.10.2022 had gone for routine patrolling and when they reached near Sardar Fuel HP Petrol pump, Ding they saw two young boys standing near tea stall adjoining to the petrol pump. One of the boys was wearing black coloured t-shirt and white coloured trouser whereas other one was wearing black coloured t-shirt and black coloured jeans. On seeing the police party they started walking towards Sirsa. On the basis of suspicion, they were apprehended and their names were inquired. One of the boy disclosed his name as Gulam Navi @ Gami and other disclosed his name as Saddam. They were served with notice under Section 50 of NDPS



Act. They wanted their search to be conducted in the presence of a gazetted officer and accordingly Sh. Vinod Kumar PGT-GGSSS, Kotli, was called on the spot and in his presence, search was conducted and from the right pocket of the jeans worn by Saddam, 500 grams of heroine in a polythene bag was recovered whereas from the left pocket of the trouser worn by Gulam Navi @ Gami 500 grams of heroine in a polythene bag were recovered. On the basis of said recovery, present case has been registered.

3. Learned counsel for the petitioner argued that co-accused Gulam Navi @ Gami has been granted default bail under Section 167(2) vide judgment of Coordinate Bench dated 28.11.2023 passed in CRR-1528-2023 (Annexure P-3). Present petitioner is behind the bars since the day of his arrest. The trial is going at a slow pace. Till date only two witnesses have been examined. On account of long custody he is seeking regular bail. He has also relied upon the judgment dated 28.05.2024 of Supreme Court of India in petition for ***Special Leave to Appeal (Criminal) No.4648/2024 titled as Ankur Chaudhary Vs. State of Madhya Pradesh.*** It is prayed that regular bail application filed by the petitioner may be allowed.

4. Bail is opposed by learned counsel representing State. Today detailed status report has been filed which is taken on record. It is pointed out that the report of the Forensic Science Laboratory has been received and as per the result, Heroine (Diacetylmorphine), O6 Monoacetylmorphine Aceetylcodiene, Paracetamol and Caffeine were detected in the sample P-1 & P-3. Challan has been presented against Gulam Navi @ Gami, petitioner Saddam, Vijay Singh @ Jaiveer, Yakub Khan and Gurjinder Singh @ Raju in the Court on 04.10.2023. It is



further pointed out present petitioner is involved in another FIR No.21 of 2022 under Sections 8, 21, 25 and 29 NDPS Act, registered at Police Station Talwara Jheel, District Hanumangarh. Considering the quantity of contraband recovered from the petitioner, he is not entitled to be released on regular bail.

5. I have considered the arguments and gone through the record.
6. It is a case of recovery of 500 grams of heroine from petitioner which falls in commercial quantity. The present petitioner cannot derive any benefit on account of bail granted in favour of Gulam Navi @ Gami under Section 167(2) Cr.P.C. In the case in hand challan was presented on 04.10.2023 and charge sheet was framed on 04.11.2023. Till date, two witnesses have been examined. Therefore, at this stage trial does not fall in the category of old case.
7. Considering the stringent provision under Section 37 of NDPS Act, I do not find it a fit case to grant regular bail and thus the same is declined. Since the petitioner is behind the bars from 21.10.2022, trial Court is directed to expedite the trial.
8. Accordingly the present petition is disposed of.
9. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

04.09.2024
monika

(AMARJOT BHATTI)
JUDGE

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