

217

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CRM-M-6404-2024

Date of decision: 07.03.2024

Rinku Soni

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Vijay Sangwan, Advocate for the petitioner.

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**KARAMJIT SINGH, J. (ORAL)**

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No.784 dated 08.11.2023 (Annexure P-1), under Sections 21/61/85 of NDPS Act, registered at Police Station City Narnaul, District Mahendergarh.

2. As per the allegations appearing in the FIR, police recovered 14.44 grams of heroin from petitioner on 08.11.2023. The petitioner was arrested at the spot.

3. Counsel for the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case and even otherwise, the aforesaid recovery comes under non commercial quantity and thus, rigors of Section 37 of NDPS Act are not applicable to the instant case. Counsel for the petitioner further submits that the petitioner is having no criminal history under NDPS Act. In the another cases registered against him under IPC, he is on bail. It is further submitted that trial is at its initial stage and it will take time for its conclusion. So prayer is made that petitioner be released on regular bail.

4. Notice of motion.
5. Mr. Vishal Kashyap, DAG, Haryana, accepts notice on behalf of the State and has furnished the custody certificate of the petitioner as per which the custody of the petitioner comes out to be 3 months and 25 days and the petitioner is not recorded to be involved in any other case under NDPS Act. The State counsel on instructions from SI Amarjit Singh apprised the Court that after completion of investigation, challan stands presented against the accused but charges are still to be framed.
6. I have considered the submissions made by counsel for the parties.
7. The recovery of 14.44 grams of heroin, as is alleged in the present case comes under non commercial quantity and thus, strict provisions of Section 37 of NDPS Act are not attracted to the present case. The petitioner is having no criminal history under NDPS Act and is in custody for the last 3 months and 25 days and it will take considerable time for the trial to conclude even after the framing of charges. In the given circumstances no useful purpose is going to be served by prolonging the judicial custody of the petitioner.
8. Consequently, without expressing on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

07.03.2024  
Yogesh

(KARAMJIT SINGH)  
JUDGE

Whether speaking/reasoned:-  
Whether reportable:-

Yes/No  
Yes/No