

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-8887-2024

Date of Decision : March 11, 2024

HARVINDER SINGH ALIAS RAJU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajiv Kumar Saini, Advocate,
for the petitioner.

Mr.Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.778, dated 17.10.2023, under Sections 15, 25 and 29 of the NDPS Act, registered at Police Station Assandh, District Karnal.

2. Learned counsel for the petitioner submits that it is not under dispute that the recovery of contraband which was effected from the present petitioner is of 45.135 kg. of *Doda Post*, which falls within the ambits of non-commercial quantity as prescribed under the schedule of NDPS Act.

3. He further submits that the petitioner has already suffered incarceration of more than 4 months and he is not involved in any other criminal case, and the conclusion of trial will take a long time.

4. Learned State counsel vociferously opposed the asked for relief, and has placed on record a custody certificate *qua* the petitioner, which is taken on record, and a perusal of the same reveals that the petitioner has suffered incarceration of 4 months and 20 days as on today, and he is not involved in any other criminal case.

6. He submits, on instructions imparted to him by official concerned, that after investigation *challan* has already been presented, and charges have been framed, and out of the total 19 prosecution witnesses cited by the prosecution, none has been examined till date.

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

8. Considering the fact that the quantity of contraband recovered from the present petition is of non-commercial quantity, and the petitioner has suffered incarceration of 4 months and 20 days as on today, and out of the total 19 witnesses cited by the prosecution in the final report, none has been examined till date, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate

application seeking cancellation of regular bail, as granted by this Court.

Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

March 11, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No