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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 10254 of 2024(O&M)
Date of Decision:-01.03.2024

JASPREET SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Vishal 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 (Annexure P-1): -

FIR No.	Dated	Sections	Police Station
298	27.12.2023	21 NDPS Act (29 NDPS Act added lateron)	Sector-9, Ambala City, District Ambala

2. Brief facts of the case putforth by the prosecution are that on secret information stating that petitioner is indulging in sale of narcotic substances and a naka was laid down at T-point Sector-10, Ambala and petitioner was apprehended and on search a transparent polythene was found from the right pocket of his pant and alleged contraband weighing 25 gram

of heroin was recovered from him.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner was apprehended and alleged recovery of 25 gram of heroin was effected from the petitioner. He submits that the recovery of contraband is non-commercial in nature, petitioner is in custody since 27.12.2023, challan has been presented in Court, 16 witnesses have been cited by the prosecution and none of them have been examined till date, as such he prays for grant of concession of bail to the petitioner.

4. On the other hand learned State counsel has opposed the bail application by arguing that contraband was recovered from the petitioner, and considering the nature and gravity of the offence he is not entitled to concession of bail. He further contends that there are two other cases of NDPS registered against the petitioner, however, he has admitted that he is on bail in both the cases and the recovery of contraband is non commercial in nature and 16 witnesses have been cited by the prosecution and none of them have been examined till date.

5. After considering the respective submissions and perusing the record, admittedly petitioner was apprehended on 27.12.2023 on the spot and recovery of 25 gram of heroin was effected from him which is non commercial in nature. After completion of investigation, challan has been presented in Court and 16 witnesses have been cited by the prosecution and none of them have been examined till date. The conclusion of trial will take sufficient long time to ascertain the criminal liability, if any of the petitioner and no useful purpose would be served by keeping the petitioner behind bars

any longer.

6. Resultantly, 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.

7. 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.

8. Anything contained here in above shall not be construed to be an expression of opinion on the merits of the case.

9. Pending application(s), if any, shall also stands disposed of.

(SANJIV BERRY)
JUDGE

01.03.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |