

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-17928-2024 (O&M)
Date of Decision:- 19.04.2024

NARENDER KAUSHIK

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Himanshu Joshi, 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:-

FIR No.	Dated	Sections	Police Station
77	19.02.2024	21-B of the NDPS Act	City Narnaul, District Mahendergarh

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that petitioner is not having any criminal antecedents and is in custody since 19.02.2024. He thus prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the bail petition

of the petitioner by arguing that the petitioner was found in conscious possession of 15.93 grams of heroin when apprehended by the Police. He has stated that although the petitioner is not facing any criminal case but considering the gravity of offence, he is not entitled to the concession of bail.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that as per the case of prosecution, the petitioner was found in conscious possession of 15.93 grams of heroin when apprehended by the Police on 19.02.2024 and since then he is in custody. The recovery effected from the petitioner is of intermediate quantity. Admittedly, the petitioner is not having any criminal case against him. The challan has already been presented in Court. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

19.04.2024

S.Sharma(syr)

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