



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

221

CRM-M-30089-2024 (O&M)  
Date of decision: 10.07.2024

GOURAV @ JONY

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ashish Sindher, Advocate  
for the petitioner.

Mr. Rajesh Gaur, Additional A.G., 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.1090 dated 25.09.2018, under Section 21 of the NDPS, registered at Police Station Sadar Karnal (Karnal).
2. The petitioner was earlier granted the concession of regular bail by the learned trial Court concerned, and thereafter, on one date i.e. 01.02.2020, the petitioner failed to appear before the learned trial Court concerned, which led the learned trial Court concerned, to cancel the bail granted to the petitioner, and the bail bonds/surety bonds were forfeited to the State. On 31.01.2024, proclamation as per Section 82 of Cr.P.C., were issued against the present petitioner, and thereupon, the petitioner was arrested on 08.04.2024.
3. On asking for the relief (supra), learned counsel for the petitioner submits that the recovery, as effected from the present petitioner is 4.57 grams of



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heroin, which falls within the ambit of small quantity, which is otherwise a bailable offence. Learned counsel for the petitioner further submits that the petitioner undertakes, that he in future will not be absent from the Court proceedings, without compelling circumstances, and that too without informing the learned trial Court concerned.

4. On the other hand, learned State counsel has placed on record the custody certificate issued by the Deputy Superintendent, District Prison (Karnal), Haryana. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 03 months and 03 days, as on today. A perusal of the custody certificate further reveals that the petitioner is involved in one more case of the similar nature, in which he is stated to be on bail. Learned State counsel on instructions, imparted to him from the official respondent, submits that out of the total 11 prosecution witnesses cited in the final report, none has been examined till date.

5. This Court has heard the learned counsel for the parties concerned, and has examined the record, as available on file, and is of the considered view that the petitioner deserves to be released on regular bail, for the reasons, that the recovery effected from the present petitioner falls within the ambit of small quantity. The petitioner has suffered incarceration of 03 months and 03 days, as on today. The conclusion of trial will take long time, and out of the total 11 prosecution witnesses cited in the final report, none has been examined till date.

6. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the



present petition is **allowed**, subject to the payment of costs of Rs.5,000/-, which is to be deposited with the PGIMER, Poor Patients Welfare Fund, Chandigarh. 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.

- 7. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.
- 8. All pending application(s) stand disposed of accordingly.

10.07.2024  
amandeep

(KULDEEP TIWARI)  
JUDGE

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