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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37727-2024 (O&M)
Date of decision: 14.10.2024

Krishan
...Petitioner
Versus
State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Rosi, Advocate
for the petitioner.
Mr. Bhupinder Singh, DAG, Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.94 dated 27.02.2024, under Section 21(b) of NDPS Act, registered at Police Station Sadar Bhiwani, Bhiwani.
2. Reply by way of affidavit of Aryan Chaudhary, HPS, (H.Q.), Bhiwani on behalf of the respondent-State and the custody certificate has been filed in Court today and the same are taken on record. Copy supplied to learned counsel for the petitioner.
3. In this case, the petitioner was apprehended by local police carrying 7.6 grams of heroin. The petitioner is stated to be involved in total



41 cases, out of which, 23 cases are still pending, in 7 cases he has been convicted and in 11 cases he has been acquitted. The custody certificate reflects that only one more case of NDPS Act is pending against the present petitioner.

3. Learned counsel for the petitioner asking for the releif submits that the alleged contraband which was recovered from the petitioner, falls within the abmit of non-commercial quantity. She further submits that the petitioner has suffered incarceration of about 8 months as on today, and trial is yet to begin.

4. On the other hand, learned State counsel, on instructions from SI Virender Singh, I.O. has opposed the grant of regular bail to the petitioner while drawing the attention of this Court to custody certificate which reflects that the petitioner is involved in other 41 criminal cases. He further informed this Court that in the instant case final report has been filed on dated 20.04.2024, wherein, total 15 witnesses have been cited by the prosecution. He submits that charges are yet to be framed, and the next date of hearing fixed before the trial Court is 06.11.2024.

5. This Court has considered the submissions made by the learned counsel for the parties concerned, and hs perused the entire record.

6. It is not in dispute that the recovery as effected from the present petitioner is just marginally above the small quantity, as prescribed in the Schedule attached with the NDPS Act, and the petitioner has suffered incarceration of 07 months and 14 days as on 11.10.2024. It has further transpired that the petitioner is involved only in one other case of similar nature, although, he is involved in many other cases, which are registered



under the provisions of Indian Penal Code and the Arms Act.

7. Considering the incarceration suffered by the petitioner and the recovery effected from the petitioner and the stage of the trial, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Simply because the petitioner is involved in number of cases and specifically in view of facts mentioned above, does not disentitle the petitioner from enlarging him on bail. 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.

8. 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.

14.10.2024
Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No