

CRM-M-41594-2024

-1-

207

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

\*\*\*\*

CRM-M-41594-2024

Date of Decision: 16.12.2024

Tarun alias Gola

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Sanjay Verma, Advocate  
for the petitioner.

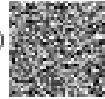
Mr. Gaurav Jindal, Addl. AG, Haryana.

\*\*\*\*

**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present is a 3<sup>rd</sup> petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.636, dated 18.09.2022, under Section 21 of the NDPS Act, 1985, registered at Police Station Krishna Gate Thanesar, District Kurukshetra.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 years 2 months and 25 days and till date only 3 out of 15 total cited prosecution witnesses have been examined despite the fact that the charges in the present case were framed on 10.07.2023 which is more than 1 year and 5 months ago. He further submitted that it is a case where the allegation against the petitioner is with regard to recovery of only 20 grams of *Heroin* which does not fall in the category of commercial quantity under the NDPS Act and the petitioner has been falsely implicated in the present case because of the reason that earlier he was involved in three more cases under the NDPS Act out of which in one case he has already been acquitted and the remaining two cases are pending. He submitted that considering the long



incarceration of the petitioner and the fact that there has been recovery of only 20 grams of *Heroin* from him, he may be considered for grant of regular bail.

3. On the other hand, Mr. Gaurav Jindal, learned Addl. AG, Haryana, submitted that so far as the total custody of the petitioner is concerned, it is correct that he is in custody for 2 years 2 months and 25 days and it is also correct that after the framing of the charges on 10.07.2023, only three prosecution witnesses have been examined. He further submitted that as per the allegation, the recovered contraband from the petitioner is 20 grams of *Heroin* which does not fall in the category of commercial quantity. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and is involved in three more cases under the NDPS Act, although he has been acquitted in one case.

4. I have heard the learned counsels for the parties.

5. The custody of the petitioner has come out to be 2 years 2 months and 25 days and the charges in the present case were framed on 10.07.2023, which is more than 1 year and 5 months ago but till date only 3 out of 15 total cited prosecution witnesses have been examined. As per the learned counsels for the parties, the alleged recovery from the petitioner was 20 grams of *Heroin* which does not fall in the category of commercial quantity under the NDPS Act. The mere fact that the petitioner is involved in three more cases, out of which, he has already been acquitted in one case, cannot become a ground for denial of bail to him considering his long custody and the alleged recovery, which does not fall in the category of commercial quantity under the NDPS Act.

6. Therefore, considering the aforesaid totality of circumstances of the present case and also considering the custody of the petitioner, this Court

deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7.               However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

16.12.2024

*Bhumika*

(JASGURPREET SINGH PURI)  
JUDGE

|                              |        |
|------------------------------|--------|
| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable:       | Yes/No |