

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-38950-2024 (O&M)
Date of Decision:-28.10.2024

Sunil @ Seenu... Petitioner

Versus

State of Haryana... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S. Sandhu, Advocate for the petitioner.
Mr. Munish Sharma, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
164	1.6.2024	Kalayath, Kaithal, District Kaithal	21(b) of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The allegations, in nutshell, are that the petitioner was found in possession of 15.60 grams of ‘heroin’ on 1.6.2024.
3. Learned counsel for the petitioner submitted that it is a case of recovery of ‘non-commercial’ quantity of contraband and since the petitioner has been behind bars for the last about 5 months, he deserves to be released on regular bail particularly in view of the fact that no PW has been examined till date.
4. Opposing the petition, learned State counsel submitted that since the petitioner is a habitual offender having been involved in 3 other cases under



CRM-M-38950-2024 (O&M) (2)

NDPS Act, no leniency is warranted. Learned State counsel, however, informed that the petitioner as on date has been behind bars since the last about 4 months and 25 days and charges are yet to be framed.

- 5. This Court has considered rival submissions addressed before this Court.
- 6. Having regard to the fact that it is a case of recovery of ‘non-commercial’ quantity of contraband, wherein the petitioner has been behind bars since the last about 4 months and 25 days, further detention of the petitioner would not be justified particularly when the trial has not even commenced till.
- 7. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.10.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No