

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

CRM-M-42721-2023 (O&M)
Date of Decision:-24.1.2024

Sumit @ Somit ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bhateja, Advocate for the petitioner.
Mr. Munish Sharma, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
209	8.9.2021	Garhi, District Jind	22(c) of Narcotic Drugs and Psychotropic Substances Act, wherein offence under Sections 61/85 of NDPS Act added later on.

GURVINDER SINGH GILL, J. (Oral)

- Petitioner - Sumit @ Somit, aged about 23 years, seeks grant of regular bail in respect of the aforementioned FIR.
- The allegations, in nutshell, are that the petitioner was found in possession of 1000 tablets of ‘Tramadol’ total weighing 397.8 grams.
- Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the petitioner, who is a young boy, enjoys a clean record.

4. Opposing the petition, learned State counsel submitted that since it is a case of recovery of commercial quantity of contraband, the fetters imposed by Section 37 of Narcotic Drugs and Psychotropic Substances Act would be attracted.
5. This Court has considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner enjoys a clean record and is not stated to be involved in any other case. The petitioner is a young boy aged about 23 years. The petitioner has been behind bars for a substantial period of about 2 years, 4 months and 13 days but despite the said period, the prosecution has been able to examine only 2 PWs out of the cited 24 PWs. In these circumstances, particularly bearing in mind the fact that the petitioner has a clean record, it will be difficult to opine that the petitioner, if released on bail, would commit similar offence again. The petitioner has been behind bars for a substantial period of 2 years, 4 months and 13 days. Conclusion of trial is likely to consume time inasmuch as only 2 PWs out of the cited 24 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

24.1.2024

pankaj

Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)

Judge

Yes / No
Yes / No