

2024:PHHC:114503



222.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41901-2024
Date of decision: 03.09.2024

Akbar Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Abhimanu, Advocate, for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C./483 of B.N.S.S. for grant of regular bail to the petitioner in case FIR No.349, dated 06.06.2024, registered under Section 22 of NDPS Act, 1985 at Police Station Suraj Kund, District Faridabad.
2. As per prosecution version, on secret information, the petitioner was apprehended with 2.300 kg of ganja leaves.
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR and the entire alleged recovery was planted upon him. Even otherwise, the alleged recovered quantity does not fall under commercial quantity. Petitioner is in custody since 06.06.2024. He is not involved in any other case. Challan has been presented. Charges are yet to be framed. Conclusion of trial will take

long time. Nothing is to be recovered from the petitioner. No useful purpose would be served by further incarceration of the petitioner.

4. Mr. Rajiv Sidhu, DAG, Haryana, has appeared in this case in pursuance of the notice of the instant petition having been sent to the respondent-State in advance. He has opposed the bail to the petitioner considering the offence. However, he submits that the recovered quantity of ganja is higher than the small quantity but less than the commercial quantity. He does not dispute the custody.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is in custody since 06.06.2024; recovery is of intermediate quantity; and completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without

intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

September 03, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No