

215-2

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

**CRM-M No. 44503 of 2023 (O&M)
Date of Decision: 21.02.2024**

Narinder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parminder Walia, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

CRM-1895-2024

Application is **allowed**, as prayed for, subject to all just exceptions. Para-14 of the petition is ordered to be rectified / modified to the extent that “3 more NDPS Act cases are pending against the present petitioner”.

Registry to do the needful.

MAIN CASE

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 96 dated 19.04.2023, under Sections 20B/29 of NDPS Act, 1985, registered at Police Station GRP Ambala Cantt., District

Ambala, wherein he was implicated on the basis of disclosure statement of co-accused Mohan Chaudhary from whom the alleged recovery of 5.510 kgs. of Ganja has been made.

[2] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while submitting that the petitioner is a habitual offender and involved in three more cases of similar nature even followed by one conviction.

[3] I have heard learned counsel for the parties and gone through the paper-book.

[4] In the present case, the recovery of contraband is admittedly non-commercial in nature and the investigation already stands concluded with the filing of challan. The petitioner is already behind the bars since 20.04.2023, i.e. for the past almost ten months and the trial may take some time. As regards the involvement of the petitioner in three other cases, the same also admittedly pertain to non-commercial quantity; as such, the bar of Section 37 of NDPS Act does not apply. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

[5] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial

Court / Illaqa Magistrate / Duty Magistrate concerned.

[6] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

[7] Pending miscellaneous application(s), if any, shall also disposed off.

February 21, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>