

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

**CRM-M-48274-2023 (O&M)
Date of decision:- 18.01.2024**

KRISHAN KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tanvir S. Grewal, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in FIR No.426, dated 14.08.2022 under Section 20(C) and 27-A of Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Narnaund, District Hansi, Haryana.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The recovery effected from the petitioner is of 1 Kg 26 gms of Charas, which is marginally over and above the commercial quantity. It is further contended that the said recovery is a planted one, as it has been shown to be in a polythene bag carried by the petitioner in his right hand. The petitioner is in custody since 14.08.2022.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. As per the custody certificate the petitioner has undergone the incarceration for a period of 11 days as of now and is involved in other case of similar nature, in which he is on bail. He does not dispute the factum of recovery of contraband which is of non-commercial in nature.

Considering the fact that the recovery effected from the petitioner is of non-commercial in nature added with the facts that out of total 28 prosecution witnesses none has been examined so far, which is sufficient to infer that trial will certainly long time, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

18.01.2024
Sham/ramandeep singh

(SANDEEP MOUDGIL)
JUDGE

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