

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54377-2023
Date of decision: 01.02.2024

SACHIN KUMAR @ SONUPETITIONER(S)

Versus

STATE OF HARYANARESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Parminder Walia, Advocate for
Ms. Garima Sharma, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

1. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Section	Police Station
0268	22.08.2023	20 of NDPS Act	Sector-5, Panchkula

2. It is, *inter alia*, submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner was arrested on 22.08.2023 and from his possession 600 grams of Charas was recovered, which does not fall within the purview of commercial quantity. He submits that there is one other case under NDPS Act registered against the petitioner and as such prays for grant of concession of bail.

3. *Per contra*, learned State counsel has opposed the bail

CRM-M-54377-2023

2

application by submitting that 600 grams of charas was recovered from the petitioner, hence he is not entitled to bail. However he admitted the factual matrix and also the fact that one other case under the NDPS is registered against the petitioner.

4. After considering the rival contentions and perusing the record, it transpires that admittedly the petitioner was arrested in this case on 22.08.2023 and from his possession non-commercial quantity of Charas was recovered. The presentation of challan and subsequent conclusion of trial will take sufficient long time and thereafter the criminal liability, if any, of the petitioner could be ascertained.

5. Considering the above facts and circumstances, if find no useful purpose would be served by detaining the petitioner in custody any longer. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

01.02.2024
kanika

(SANJIV BERRY)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |