

CRM-M-53140-2024 (O&M)

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

**CRM-M-53140-2024 (O&M)
Date of Decision: 29.10.2024**

Amit Jangra

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Pooja Jaglan, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

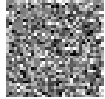
CRM-42374-2024

Allowed as prayed for subject to all just exceptions.

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1. The present is a 3rd petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.266, dated 21.07.2021, under Sections 21, 29 & 27-A of the NDPS Act, 1985, registered at Police Station Model Town, District Panipat.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 1 year 7 months and 18 days and he has clean antecedents and is not involved in any other case except for one case under Section 379 IPC in which he has already been acquitted. She further submitted that so far as the present case is concerned, the allegation against the petitioner is pertaining to recovery of 20 grams of *Heroin* which does not fall in the category of commercial quantity under the NDPS Act and the petitioner has been falsely implicated in the present case. She also submitted that although earlier when

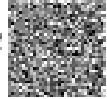


the petitioner was granted bail by the learned trial Court thereafter, he could not present himself before the Court for two times and therefore, for two times his bail was cancelled but now the petitioner has already faced incarceration for 1 year 7 months and 18 days and one prosecution witness has already been examined. She also stated that now the petitioner will not violate any of the conditions of the bail. She submitted that considering the background of the petitioner that he is not a habitual offender, he may be considered for grant of regular bail.

3. On the other hand, Mr. Gaurav Jindal, learned Addl. AG, Haryana, submitted that the petitioner was earlier granted bail by the learned trial Court for two times but he did not present himself before the Court and ultimately his bail bonds were cancelled because he remained absent twice before the Court and considering his conduct, he is not entitled for grant of regular bail. He further submitted that the petitioner earlier also had filed a petition for grant of regular bail before this Court which was dismissed on 24.07.2024. So far as the total custody of the petitioner is concerned, he submitted that the total custody of the petitioner has come out to be more than 1 year and 7 months and now one prosecution witness has been examined. He also submitted that it is correct that the recovered contraband from the petitioner is 20 grams of *Heroin* which does not fall in the category of commercial quantity.

4. I have heard the learned counsels for the parties.

5. The custody of the petitioner has come out to be 1 year 7 months and 18 days and it is so stated by the learned counsels for the parties that now one prosecution witness has been examined. As per the learned counsels for the parties, the petitioner has clean antecedents and is not involved in any other case except for one case under Section 379 IPC in which he was earlier



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involved but now he has been acquitted. The only aspect which is to be seen in the present case is with regard to the conduct of the petitioner. Earlier the petitioner was granted bail by the learned trial Court for two times but he did not present himself before the Court for twice and ultimately his bail bonds were cancelled. However, at the same time, this Court would also consider that the custody of the petitioner which is 1 year, 7 months and 18 days wherein the alleged recovery from him comes out to be only 20 grams of *Heroin*. So far as non-presenting himself before the trial Court and cancellation of bail by the learned trial Court is concerned, the same cannot be a ground for perpetuating his custody considering his long custody. The criminal background of the petitioner also has to be seen and as per the learned counsels for the parties, he is not involved in any other case except for one case under Section 379 IPC in which he stands acquitted.

6. Therefore, considering the custody aspect of the petitioner, this Court is of the view that the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

29.10.2024

*Bhumika***(JASGURPREET SINGH PURI)**
JUDGE

1. Whether speaking/reasoned	Yes/No
2. Whether reportable:	Yes/No