

2024:PHHC:002047  
IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-65135-2023  
Date of Decision:09.01.2024

Anil Sharma ...Petitioner

vs.

State of Haryana ...Respondent

**Coram : Hon’ble Mr. Justice N.S.Shekhawat**

Present : Mr.Vikram Rana, Advocate  
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.  
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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 276 dated 26.06.2021, registered under Section 20 and 61 of NDPS Act, Police Station Dabua, District Faridabad (Annexure P-1).
2. As per the case of the prosecution, the petitioner was apprehended at the spot, while he was carrying 3 Kg 500 grams of Ganja Patti, without any permit or license. Learned counsel for the petitioner submits that he has been falsely involved in the present case and the contraband i.e 3 Kg 500 grams of Ganja Patti was planted on him. However, the said quantity of Ganja Patti was within the ambit of “non-commercial quantity”. Learned counsel next contends that the petitioner was arrested in the present case on 26.06.2021 and he is in custody since last more than 02 years and 06 months. He further contends that only 06 witnesses out of total 14 witnesses have been examined so far and the further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that five more cases were ordered to be registered against the present petitioner and he is a habitual offender.

4. In reply to the above submissions made by learned State counsel, learned counsel for the petitioner submits that the petitioner is on bail in all other five cases registered against him.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioner is continuing in custody since 26.06.2021 and the trial is progressing at snail's pace. Apart from that, even the quantity of contraband recovered from the petitioner in the present case is non-commercial quantity and rigors of Section 37 of the NDPS Act may not apply against him. Apart from that registration of other cases against the present petitioner is not a ground to reject the petition filed by the petitioner for grant of bail, specially when he has been able to make out a case for grant of concession of bail.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

*(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

(ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

(iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

(iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report every 1st Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

**8.** In case, the petitioner violates any of the conditions mentioned

above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

09.01.2024  
*hitesh*

**(N.S.SHEKHAWAT)**  
**JUDGE**

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