

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

243

CRM-M-59490-2024

Date of Decision : December 03, 2024

TEK CHAND ALIAS TEKA

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nipun Vashist, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through this second petition cast under Section 483 of the B.N.S.S., the petitioner prays for him being granted the concession of regular bail, in case FIR No.294 dated 11.09.2024, under Section 20(b)(ii)B of the N.D.P.S. Act, registered at P.S. Sector 56, District Gurugram.
2. Succinctly stated, the recovery of 05 kgs 100 grams of Ganja from the petitioner has constituted the bedrock for registration of the present FIR.
3. The learned counsel for the petitioner opts not to address any arguments on merits of the case, rather confines the sphere of his arguments only to the period of incarceration suffered by the petitioner, besides the stage of trial. He submits that, since the trial is at its initial stage inasmuch as none of the 12 prosecution witnesses has yet been examined, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars, who has already suffered incarceration of approx. 02½ months.
4. The learned State counsel although vociferously opposes the grant of regular bail to the petitioner, however, on instructions imparted to

him by the official concerned, he verifies that the charges were framed on 25.11.2024 but none of the 12 prosecution witnesses has been examined so far.

5. This Court has heard the submissions made by the learned counsels for the parties and perused the record.

6. Be that as it may, considering the fact that: (i) the recovered contraband falls within the ambit of “non commercial quantity”; (ii) as per the custody certificate dated 30.11.2024, as placed on record today by the learned State counsel, the petitioner has suffered incarceration of 02 months and 15 days till 30.11.2024; (ii) there is no likelihood of the trial concluding anytime soon inasmuch as none of the 12 prosecution witnesses has yet been examined; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

December 03, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No