

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14965 of 2015
Date of decision: May 21, 2015

Fazil

.... Petitioner..

Versus

State of Haryana

.... Respondent..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. C.S. Bakshi, Addl.A.G, Haryana,
for respondent-State.

Jaspal Singh, J. (Oral)

This is a petition under Section 439 of the Code of Criminal Procedure (for brevity, 'Code') preferred by Fazil, seeking bail during the pendency of trial, in case bearing FIR No. 59, dated 09.02.2015, under Sections 15 and 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'Act'), registered at Police Station Sadar Panipat, District Panipat.

2. As per the case of prosecution, petitioner was intercepted on February 09, 2015 by a police party headed by SI Ranbir Singh, Police Station Sadar, Panipat and on his personal search, he was found in possession of charas weighing 395 grams and poppy husk weighing 527 grams, regarding which he could not produce any permit or license, which he was carrying in a bag.

3. A perusal of order dated April 24, 2015 passed by Judge, Special Court, Panipat transpires that bail has been declined to the petitioner only on the ground that he is not a local native and there is every possibility of his fleeing away from the court of justice, if released on bail. But in the eyes of law, it is not a ground to decline bail. The quantity of either charas or poppy husk alleged to have been recovered from his possession does not fall within the ambit of commercial quantity. Moreover, petitioner is in custody since the date of his arrest i.e. 09.02.2015. Though, report under Section 173 (2) of the Code has already been presented by the prosecution, yet no prosecution witness has been examined. Naturally, disposal of trial would certainly take time and in the given circumstances, it would not be desirable to keep the petitioner behind the bars for an indefinite period.

4. Taking into consideration all the aforesaid aspects but without expressing any opinion on the merits of the case, petition is allowed and petitioner-Fazil is ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate, Panipat.

May 21, 2015
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(JASPAL SINGH)
JUDGE