

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-24577-2015
Date of decision:7.8.2015

Dharambir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Ms.Rinky Bhatnagar, Advocate for
Mr.Surinder Gandhi, Advocate for the petitioner.

Mr.Parveen Aggarwal, AAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.476 dated 31.10.2014 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Rohtak.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. Petitioner was a patient of Asthma, because of which he could not run for a long distance. In this view of the matter, story put-forth in the impugned FIR does not appeal to reason. She further submits that petitioner was admitted in Tagore Hospital at Karnal on the alleged date and time of occurrence and this material fact also shows his false implication. She concluded by submitting that since only two prosecution witnesses have been examined so far, conclusion of trial will take some time. She prays for allowing the present petition.

Learned counsel for the State, on instructions from ASI Rajinder Singh, Police Station, City Rohtak, submits that petitioner has been found involved in two more cases under the NDPS Act itself. In the present

case, huge recovery was effected from the petitioner which amounts to commercial quantity. He further submits that since the FIR was dated 31.10.2014 and two prosecution witnesses have already been examined, there is no delay which might have been caused in conducting the trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has not been found entitled for bail pending trial. It is so said because petitioner has been found involved in two more cases under the NDPS Act, which prima facie shows that he is a habitual offender. Learned counsel for the State was found justified in contending that since FIR was dated 31.10.2014 and two prosecution witnesses have already been examined, there is no delay in conducting the trial.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, no case for bail pending trial is made out.

Dismissed.

7.8.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE