

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

CRM No.M-33664 of 2015

Date of decision: 30.10.2015

Jaibir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.A. Sheoran, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana
assisted by ASI Narinder Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.311, dated 25.05.2015, registered under Section 18 of NDPS Act, at Police Station Bahadurgarh, District Jhajjar.

In pursuance of the order dated 06.10.2015, the learned State counsel has placed on record the photocopy of the FSL report.

The learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. The quantity allegedly recovered from the petitioner is non commercial. The challan stands presented, however, the charges are yet to be framed. The petitioner is in custody since 25.05.2015.

On the other hand, the learned State counsel opposes the prayer of bail and states that 900 gms of opium was recovered from the possession of the petitioner. The petitioner is involved in other FIRs. To this, the learned counsel for the petitioner submits that in fact the petitioner is being repeatedly involved in false FIRs. In FIR No. 149 dated 26.04.1997, the petitioner stands acquitted, vide judgment dated 03.08.2011 and in FIR No. 245 dated 06.04.2011, he also stands acquitted, vide judgment dated 05.05.2015.

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

It is debatable as to whether the quantity is commercial or otherwise. Though the challan stands presented, however, the charges are yet to be framed. The trial is yet to commence and is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

30.10.2015

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(JITENDRA CHAUHAN)
JUDGE