

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

CRM-M-40077-2015

Date of decision: 04.12.2015

Dharambir

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.476 dated 31.10.2014 under Sections 20 of NDPS Act, registered at Police Station City Rohtak, District Rohtak.

This is the third petition for bail pending trial, earlier two having been dismissed on merits. The only fresh ground taken which is stated to be available to the petitioner at this stage is that he has been acquitted in the second case under the NDPS Act itself.

Learned counsel for the petitioner also submits that since the petitioner is inside the jail for the last about one year, he is entitled for bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Navneet, Police Station City Rohtak, submits that since the quantity of contraband recovered in the present case is 1 kg and 500 gm charas which amounts to commercial quantity, petitioner is not entitled for bail. He also

submits that 05 PWs have already been examined and the next date of hearing before the learned trial Court is 15.01.2016. There is no delay in the trial. He further submits that his acquittal in other case under the NDPS Act will not entitle the petitioner for any concession of bail in the present case. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties at considerable length, going through the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since the quantity of contraband recovered in the present case amounts to commercial quantity and there is no delay in the trial, petitioner has not been found entitled for bail pending trial, at this stage. However, it is clarified that if undue delay takes place in the conclusion of trial, petitioner will be at liberty to approach this Court again seeking bail pending trial. Trial Court is also directed to ensure early completion of the trial.

In view of what has been discussed hereinabove 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.

[RAMESHWAR SINGH MALIK]
JUDGE

04.12.2015
vishnu