

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-4117 of 2015

DATE OF DECISION: 12.02.2015

Vijay Soni

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. Jagjit Gill, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No. 188 dated 3.12.2014 registered under Section 15/61/21/22-C/27-A/61/85 of NDPS Act at Police Station Odhan, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case as the alleged recovery was made in the absence of Gazetted Officer or Magistrate. No independent witness was also joined at the time of recovery. Learned counsel further contends that challan has been presented and charges have also been framed and petitioner is in custody since 3.12.2014. Learned counsel also submits that

on the basis of chemical examiner report, the alleged recovery is termed as small quantity even in the challan and no other case is there against the petitioner.

Learned counsel for the respondent-state opposes the bail but does not dispute the quantity recovered from the petitioner.

In view of the submissions made by learned counsel for the petitioner and also the facts that all the witnesses are official witnesses and there is no possibility of influencing them; trial may take some time to conclude as after framing of the charge, no independent witness has been examined so far and there is no other case of NDPS against him, petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail/surety bond to the satisfaction of trial Court.

However, it is made clear that in case the petitioner is found to be involved in some other case of NDPS Act, the State is at liberty to move application for cancellation of bail.

February 12, 2015
pooja

(DAYA CHAUDHARY)
JUDGE