

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

CRM-M-11703 of 2016.

Decided on:-05.07.2016.

Ram Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers 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:- None for the petitioner.

ASI Shamsheer Singh for the respondent-State.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.37 dated 9.2.2016 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Pundri, District Kaithal.

Record reveals that the petitioner is in custody since 9.2.2016 and as per the FIR, recovery of 60 Gms. opium was allegedly effected from him. Though there were 3 more cases against the petitioner, but in 2 cases, he has been acquitted whereas in 3rd case, he was convicted in FIR No.55

dated 18.8.2010 under the NDPS Act registered at Police Station Taraori, District Karnal. Against the order of conviction, the petitioner has filed an appeal before this Court wherein his sentence has been suspended vide order dated 11.11.2013 passed in CRM No.40511 of 2013 in CRA-S-1972-SB of 2012.

ASI Shamsher Singh is present in the Court on behalf of the respondent-State and does not dispute the aforesaid facts.

Admittedly, the recovery made from the petitioner is non-commercial one and he is in custody since 9.2.2016. Though he has been convicted in the other case, but his sentence has been suspended by this Court vide order dated 11.11.2013. It has been informed that only charge has been framed and, therefore, conclusion of trial will take sufficient long time.

Accordingly, the present petition is allowed and the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made hereinabove shall have no bearing on the merits of the case and the trial Court shall decide the case on the basis of evidence available on record.

July 05, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE