

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

Date of decision:21.04.2016

Satish

.....Petitioner

v.

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Kartar Singh Malik-I,Advocate for the petitioner

Mr.Kuldip Tiwari,Addl.AG Haryana
with ASI Amar

Jaswant Singh,J.(Oral)

Prayer is for grant of regular bail in case FIR No.343 dated
17.6.2015 under Section 20 of the Narcotic Drugs and Psychotropic
Substances Act,1985,PS City Rohtak,Distt.Rohtak.

There was recovery of 280 grams of *charas* from Activa
Scooter belonging to one Smt.Manju while it was parked outside a
police station.

The allegations are that there is a litigation between
Smt.Manju and co-accused Mukesh,at whose behest petitioner-accused
has allegedly planted seized 280 grams of *charas* in the scooter owned
by Smt.Manju.

It is contended that except the statement of one witness

namely Ankit who was driver of the vehicle used while purchasing the aforesaid 280 grams of *charas* from co-accused Saroj, there is absolutely no material connecting the petitioner to the offence. Petitioner is stated to be in custody since 26.8.2015 and the seized quantity is non-commercial in nature and evidence of 21 Pws is yet to commence. Petitioner is also stated to be not involved in any other criminal activity.

Learned State counsel on instructions does not controvert the said factual position.

In view of the above, without expressing anything on the merits of the case, keeping in view the fact that the seized *charas* is non-commercial in quantity; the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner in custody, the present petition is allowed and petitioner is directed to be released on bail subject to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

21.04.2016
joshi

(Jaswant Singh)
Judge