

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

**CRM-M No. 16612 of 2016 (O&M)
Date of Decision: 23.05.2016**

Satbir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by SI Sunil.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner-accused-Satbir in case FIR No. 167, dated 07.04.2016, for the offence punishable under Section 20 of NDPS Act, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

On secret information, co-accused-Narender was intercepted travelling in his Swift Car and a recovery of 490 grams of *Charas* was effected from his conscious possession. On his disclosure statement, 340 grams *Charas* was purchased from Satbir (petitioner herein) and other 150 grams purchased from co-accused-Jagmal, therefore, the names of aforesaid two accused persons have been nominated.

It is contended that the petitioner is in custody since 07.04.2016; after completion of the investigation, challan stands presented and he is not involved in any other case. It is further submitted that the bar

of granting the bail under Section 37 of NDPS Act would not apply in the present case as the quantity attributed to the petitioner is non-commercial in nature. It is next submitted that the evidence of cited fourteen prosecution witnesses is yet to commence and similarly placed co-accused-Jagmal has since been enlarged on bail by this Court vide order dated 17.05.2016.

Learned State Counsel, assisted by SI Sunil does not refute the aforesaid factual contentions, as also the bail of co-accused-Jagmal.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; parity of treatment stage of trial and the fact that the bar under Section 37, NDPS Act is not applicable as the quantity attributed to the petitioner is non-commercial in nature, no useful purpose would be served by keeping the petitioner-accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 23, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE