

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRL. MISC. No.M-23880 OF 2016
DATE OF DECISION : 22nd AUGUST, 2016

Mahender Pal

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Anmol Rattan Singh Sidhu, Senior Advocate with
Mr. Rajbir Attri, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.767 dated 23.12.2015 registered under Sections 21 C & 27A of NDPS Act and 18A and 18(C) of Drugs and Cosmetics Act at Police Station Ratia, District Fatehabad.

Heard learned counsel for the rival parties.

Learned senior counsel for the petitioner has pointed out order dated 19.12.2015 passed by Division Bench of this Court in ***CRM No.M-27909 of 2015*** titled ***Anil versus State of Punjab***. Learned senior counsel for the petitioner vehemently contended that the provisions of Drugs and Cosmetics Act would be applicable since the salt that is ultimately found in schedule H-1 of the Drugs and Cosmetics at serial No.23.

The petitioner was arrested on 23.12.2015 and in jail since then. Admittedly, the challan has been presented before the competent court.

In view of the above and in the light of the Division Bench order referred above, it would not be in the interest of justice to curtail the liberty of the petitioner till the trial is actually completed. There is no other offence registered against the petitioner.

In view of the above, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The petition is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the CJM/Duty Magistrate, Fatehabad.

22nd AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE