

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

(230)

**CRM-M-26734-2015 (O&M)
Decided on: February 16, 2016.**

Gurcharan Singh @ Charna

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Satinder Kaur, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

Counsel for the petitioner has expressed her inability to argue on the basis of material which forms part of report under Section 173 (2) Cr.P.C, as per the observations in order dated 05.01.2016.

With the assistance of learned State counsel and investigating officer ASI Shalender, I have gone through the allegations against the petitioner. The petitioner is involved in the case of recovery of 5 quintal 60 kgs of poppy husk which was found lying on the back seat of Tata Safari, when the petitioner was on parole.

I have gone through the police file and considered the facts and circumstances of the case.

The petitioner has undergone sentence of about ten years as a convict in different case and is undergoing sentence of imprisonment in lieu

of the fine. He was not arrested along with the poppy-husk which was found in abandoned vehicle. He along with six persons has been arrayed as accused. The petitioner was involved in the case on the basis of statement of his co-accused Natha Singh and Lakhvir Singh. Four co-accused of the petitioner have been granted concession of bail. The petitioner was arrested 23 days after the recovery. It will certainly be a debatable issue whether he could be, in said circumstances, said to be in conscious exclusive possession of the poppy-husk.

On the principle of parity, the petitioner can be granted concession of bail as he has been in custody w.e.f. 02.08.2014 in this case.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to a condition that he will not commit similar offence of which he is accused of during pendency of the trial. In case, the petitioner is found to be indulging in similar activity, it will be open to the prosecution agency to seek cancellation of bail.

(M.M.S. BEDI)
JUDGE

February 16, 2016
harsha