

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-29283 of 2016

Date of decision:- August 29, 2016

Sukhchain

.....Petitioner..

Vs.

State of Haryana

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Rahul Deswal, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure, petitioner-Sukhchain has sought regular bail in case FIR No.102, dated 31.03.2016, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, Police Station Beri, District Jhajjar, during the pendency of trial.

2. The case of the prosecution is that on 31.03.2016, a police party headed by ASI Puneet Kumar was present in connection with the patrolling and inspection at Behrana-Dimana Road at Village Dimana where the accused was intercepted. When he was subjected to personal search, he was found in conscious possession of 160 gms of *Charas*. After separating two samples of 10 gms each, the remaining was put into a plastic box and

was sealed by investigating officer at the spot.

3. Undisputably, the recovery of *Charas*, alleged to have been effected from the petitioner is more than small quantity but less than commercial quantity. It is also emerged that after completion of investigation, report under Section 173 (2) Cr.P.C. has already been presented, which is pending trial. Even some of the witnesses have already been examined. However, still it will take sufficient long time to conclude the trial and keeping in view the aforesaid facts and circumstances, this Court is of the considered view that it would not be desirable to keep the petitioner behind the bars for an indefinite period.

4. Taking into consideration all the aforesaid aspects of this case but without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate.

August 29, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No