

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

**CRM-M No.32762 of 2015 (O&M)
Date of Decision: 26.05.2016**

Sunil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Krishan Chand.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Sunil in case FIR No.09 dated 10.01.2015, under Section 17 of the Narcotic Drugs and Psychotropic Substances Act (Section 20, NDPS Act added later on), registered with Police Station City Gohana, District Sonapat.

There is a recovery of 11 Kgs. and 200 Grams of *ganja* leaves from the petitioner/accused-Sunil along with his co-accused/non-applicants Sunil @ Nepali and Muna Lal while traveling on a motorcycle.

It is contended that the *ganja* leaves being without the flowering top are not covered under any provisions of the NDPS Act.

It is next submitted that the petitioner is in custody since 10.01.2015. The petitioner is stated to be not involved in any other criminal case. It is further submitted that similarly placed co-accused Sunil @ Nepali has been enlarged on regular bail by this Court, vide order dated 20.05.2016. It is thus submitted that the interim bail granted by this Court,

vide order dated 29.09.2015, may be confirmed as the interim bail has also not been misused.

Learned State Counsel, assisted by ASI Krishan Chand, does not refute the aforesaid situation.

Without commenting on the merits of the case, keeping in view the custody period, parity of treatment, non-involvement of the petitioner in any other criminal case, the seized quantity being non-commercial in nature and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and, therefore, the interim bail granted by this Court, vide order dated 29.09.2015 is confirmed and the petitioner is ordered to be released on regular bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 26, 2016
Gagan

(JASWANT SINGH)
JUDGE