

211.

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

CRM-M-40807-2016

Date of decision:23.11.2016

Dalbir Singh

... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.284 dated 07.06.2016 under Sections 15/27-A of NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner contends that the allegation against the petitioner is recovery of 52 kgs. of poppy husk which was made from four different bags and if the weight of said 4 bags is excluded, it will fall in non-commercial quantity. He states that petitioner is in custody since 07.06.2016 and there is no other case against him. Even the co-accused, namely, Gurdeep Singh has been admitted on bail by this Court vide judgment dated 11.11.2016 in CRM-M-39488-2016 titled as Gurdeep Singh Versus State of Haryana.

Learned State counsel, on instruction from ASI Ram Chander, does not dispute aforesaid fact. He, however, states that challan in the case

has been presented before the trial Court and the case is now fixed for framing of charges. He further states that though there was another case against the petitioner i.e. FIR No.72 dated 17.02.2012 under Section 457/380 IPC, Police Station City Fatehabad, but in that case, he was convicted vide order dated 21.09.2012.

Heard, learned counsel for the parties.

It is not disputed that the alleged recovery made from the petitioner is of 52 kgs. of poppy husk inclusive of weight of four bags. The co-accused has been admitted on bail by this Court vide judgment dated 11.11.2016.

Considering the fact that the recovery made from the petitioner is marginally higher than the commercial quantity and the petitioner is in custody since 07.06.2016 and there is no case against him under NDPS Act, this Court is of the opinion that no useful purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

(HARI PAL VERMA)
JUDGE

23.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.