

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

***CRM No.M-40927 of 2015 (O&M)
Date of Decision: 11.01.2016***

Moni @ Silawar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ravinder Hooda, Advocate for the petitioner.
Mr. Vivek Saini, DAG, Haryana.
....

TEJINDER SINGH DHINDSA.J.

CRM No.623 of 2016:

Application is allowed as prayed for. Affidavit dated 22.12.2015 of the petitioner is taken on record as Annexure P-2.

Application is disposed of.

Main case:

Petitioner seeks the benefit of regular bail pending trial in case FIR No.231 dated 09.08.2015, under Section 20 of the NDPS Act, registered at Police Station PGIMS, Rohtak, District Rohtak.

Counsel for the parties have been heard at length.

Even as per the prosecution version, the alleged recovery of 150 grams of *charas* has been effected from Mohd. Tunu s/o Mohd. Ashmuddin. The petitioner was not even present on the spot and as such nothing was recovered from his person. It is not even the case made by the prosecution that the petitioner had escaped from the spot.

Petitioner is sought to be implicated only on the basis of a disclosure statement made by Mohd. Tunu from whom the alleged recovery was made.

It has gone uncontroverted that the petitioner has otherwise clean antecedents and he is not involved in any other proceedings under the NDPS Act.

Petitioner has been in custody since 31.08.2015. Investigation is already complete and even the challan has been presented. Now the matter is stated to be fixed for framing of charges on 19.01.2016.

The trial, as such, would take time to conclude.

Without making any observations on the merits of the case, petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Rohtak.

Disposed of.

11.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**