

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

CRM No. M-42494 of 2016

Date of decision:- December 03, 2016

SHAMSHER @ SAMESH

....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Ranvir Singh Arya, 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 (for brevity, "Code" only), petitioner-Shamsher @ Samesh has sought bail during the pendency of trial, in case FIR No.647, dated 01.08.2016, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Jind City, District Jind.

2. Concededly, the petitioner was arrested in this case on 01.08.2016 as he is alleged to have been found in possession of 1 kg. Charas without any license or permit in the area of Jind City by police party headed by ASI Ravinder Kumar. After subjecting him to custodial interrogation, he was remanded to judicial custody. Meaning thereby, he was no more required for further interrogation/investigation. On conclusion of investigation, report under Section 173 (2) Cr.P.C. has already been presented in the court of ld. Jurisdictional Magistrate and now, the trial

court is seisin of the matter. The conclusion of trial would certainly take sufficient long time. There is no other case of the similar nature.

3. Though, it has been submitted by learned State counsel that there were as many as 8 cases registered against the petitioner for the commission of different kind of offences, however, it has been submitted by learned counsel for the petitioner that in all the cases registered, are either under the provisions of IPC or Arms Act, in which he has already been acquitted and at present the petitioner is behind the bars only in the instant case.

4. Taking into consideration the fact that petitioner is suffering incarceration since the date of his arrest i.e. 01.08.2016 and disposal of challan is likely to take sufficient long time, this Court is of the considered view that case is made out for grant of bail to the petitioner. Accordingly, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate, Jind.

December 03, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No