

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-45440 of 2016
Date of Decision: 23.12.2016

Sombir @ Chhota

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.657 dated 29.7.2016 under Section 20 NDPS Act and Section 120-B IPC registered at Police Station Jhajjar.

Learned counsel for the petitioner argues that the alleged recovery is 125 grams of *charas*, which is a non-commercial quantity. He further submits that there is no other case pending against the petitioner under the NDPS Act, however, he is in custody since 29.7.2016.

On the other hand, learned State counsel, on instructions from ASI Krishan Kumar, submits that though the alleged recovery made from the petitioner is 125 grams of *charas*, there are three other cases against the

petitioner i.e. FIR No.161/2014 under Sections 392/394, 328/34 IPC, P.S. Sadar Bahadurgarh, FIR No.148/2014 under Sections 379/328 IPC, P.S. Sampla and FIR No.426/2014 under Sections 392/394, 328/34 IPC, P.S. Alipur, though he is on bail in all these cases.

I have heard learned counsel for the parties.

The petitioner is in custody since 29.7.2016. So far as registration of three more cases against the petitioner are concerned, he is stated to be on bail in all those cases. Trial in the case has not yet begun, as only charges have been framed. Considering the fact that trial in the case will take sufficiently long time, the present petition is allowed and the petitioner is admitted on regular bail during the pendency of the trial, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that in case the petitioner is found indulged in any other case under NDPS Act, the prosecution will be at liberty to seek cancellation of his bail.

Needless to say that observations made hereinabove shall not be construed as any expression on the merits of the case.

December 23, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No