

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

CRM-M No. 4857 of 2016 (O&M)

Date of Decision: 03.03.2016

Dinesh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioners.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Rajwant Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused persons, namely, Dinesh (petitioner No. 1) and Mukesh Kumar (petitioner No. 2) in case FIR No. 782, dated 16.10.2015, for offence punishable under Section 17 Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Sirsa City, District Sirsa.

On 16.10.2015, the police party intercepted a scooter being driven by non-applicant/co-accused person, namely, Balkar Singh and other two non-applicants/co-accused person, namely, Rajesh Kumar and Sanju alias Sanjay riding the pillion. A recovery of 2.5 kgs. of *opium* was effected from their conscious possession. During their interrogation, it was told that the said contraband was purchased from the present petitioners-accused persons. The petitioners were arrested on the next day of occurrence i.e. 17.10.2015 and they are alleged to have suffered a disclosure statement confessing their involvement in the crime.

It is contended that except the aforesaid disclosure statements, there is no incriminating material against both the petitioners. It is further stated that the petitioners are in custody since 17.10.2015 and after completion of the investigation, challan has been presented with fifteen cited prosecution witnesses. Lastly, it is submitted that the quantity with which the petitioners are charged, falls in the category of being non-commercial in nature.

Learned State Counsel, assisted by Rajwant Singh, has filed the reply by way of affidavit of Sh. Jagdish Kajla, DSP (HQ), Sirsa in Court today, which is taken on record. In said reply, it is submitted that the seized quantity is non-commercial in nature according to the provisions of Narcotic Drugs and Psychotropic Substances Act.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner and the fact that seized quantity is non-commercial in nature, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioners are ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sirsa. .

March 03, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**