

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

CRM-M-12885-2017 (O&M)
Date of decision: 24.04.2017

BHARAT

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. R.K. Bagga, Advocate for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.55 dated 09.02.2017, registered under Section 21 of NDPS Act, at Police Station City Yamuna Nagar, Distt. Yamuna Nagar.

It is contended that the petitioner has been falsely implicated in the present FIR. The quantity in question being 20 gms of smack is slightly higher than small quantity. The police has not joined any independent witness. The petitioner is in custody since 09.02.2017.

On the other hand, the learned State counsel vehemently opposes the present petition, however, he fairly admits that the quantity in question is slightly higher than the small quantity. He informs that challan has been filed, charges have been framed and out of 13 PWs, none has been

examined so far.

Heard.

Considering the fact that all the prosecution witnesses are government officials, the apprehension that the petitioner, if admitted to bail, will affect the course of the trial by influencing the said PWs is ruled out. The quantity in question is slightly higher than the small quantity; challan has been presented; charges have been framed; and out of 13 PWs, none has been examined so far, therefore, trial is likely to take a long time.

Accordingly, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

24.04.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No