

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

CRM -M-762 of 2017 (O&M)

Date of decision: 18.01.2017

Harish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.L. Saini, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, 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. 321 dated 08.10.2016, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Barwala, District Hissar.

It is contended that no recovery of contraband was effected from the petitioner. The petitioner has been falsely implicated being the co-passenger. In fact the recovery was effected from co-accused, Sunil @ Sunny. The petitioner is in custody since 09.10.2016.

On the other hand, learned State counsel opposes the bail application and submits that the arrest was made on the basis of

disclosure statement wherein he has been specifically named.

I have heard learned counsel for the parties and perused the record.

Considering the fact that no recovery was effected from the petitioner; the petitioner is in custody since 09.10.2016; the challan stands presented; out of total 11 PWs, none has been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of 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.

18.01.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No