

(1)

CRM-M-1206-2018 &
CRM-M-3445-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1206-2018

Date of Decision: 27th March, 2018

Sahdev

...Petitioner

Versus

State of Haryana

...Respondent

(2)

CRM-M-3445-2018

Date of Decision: 27th March, 2018

Arun

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. J.S. Dhaliwal, Advocate, for the petitioners.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

By this order, I propose to dispose of CRM-M-1206-2018, titled as 'Sahdev Vs. State of Haryana' and CRM-M-3445-2018, titled as 'Arun Vs. State of Haryana'.

Petitioners have approached this Court for grant of regular bail by filing separate petitions under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.240, dated 27.03.2017, registered at Police Station City Sirsa, under Sections 17 and 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act').

The recovery which has been effected from the petitioners is stated to be 2 Kgs. and 540 grams of opium from a plastic bag, which was

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being carried by both of them. Counsel for the petitioners contends that although the quantity is commercial but keeping in view the fact that the recovery has been effected from both of them and out of total 12 prosecution witnesses cited, only 3 have been examined till date, trial is not likely to conclude soon. Counsel further contends that the petitioners are in custody since 27.03.2017 and there is no other case registered against them under the NDPS Act. He, therefore, prays for grant of regular bail to the petitioners during the trial.

Counsel for the State could not dispute the assertion of the counsel for the petitioners that except for the present case, there is no other case registered against the petitioners.

Keeping in view the above facts as the petitioners are in custody since 27.03.2017 and about a period of one year has passed by as also trial is not likely to conclude soon because out of 12 prosecution witness cited, only 3 have been examined, these petition are allowed and petitioners Sahdev and Arun are ordered to be released on bail subject to their furnishing bail and surety bonds to the satisfaction of the trial Court concerned, which may also put some stringent condition(s) to ensure that the petitioners do not abscond.

(AUGUSTINE GEORGE MASIH)
JUDGE

27th March, 2018
Harish

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