

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

212

CRM-M No.16086 of 2018

Date of Decision: April 27th, 2018

Vikas alias Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Navneet Jindal, Advocate
for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.72 dated 18.05.2017 registered at Police Station Ding, District Sirsa, under Sections 21-B 27-A, 61 of the NDPS Act.

It is the contention of learned counsel for the petitioner that 25 grams of heroin was recovered from the petitioner, which is a non-commercial quantity. Petitioner was arrested on 21.05.2017 and since then, he is in custody. Out of 17 witnesses, which have been cited, not one has been examined till date. He further contends that the co-accused of the petitioner namely Sanjay has been granted the benefit of regular bail by this Court. He, therefore, prays that the petitioner may also be granted the said benefit. His further submission is that apart from the present case, there is no other case pending against the petitioner as of now under the NDPS Act.

Counsel for the State, on the other hand, on instructions from HC Vinod Kumar, Police Station Ding, Sirsa, contends that the petitioner was also involved in another case but has been acquitted. He, however,

could not dispute the factum that none of the witnesses till date has been examined. He further states that there is a distinction between the case of the petitioner and the co-accused as there was charge under different Sections. Prayer is thus made that the petitioner be not granted the concession of regular bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner has been found to be in possession of non-commercial quantity of contraband, with the trial not likely to conclude in near future and none of the witnesses, out of 17 cited, has been examined till date and the petitioner being in custody for more than 11 months, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

It shall, however, be open to the trial Court to impose any stringent condition, which the Court may feel, would be essential in the facts and circumstances of the case.

April 27th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No