

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

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CRM-M NO.16375 OF 2018

DATE OF DECISION: MAY 16, 2018

Binder

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Kuldeep Sharma, DAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The petitioner has filed the present petition for grant of regular bail in case FIR No.72, dated 18.05.2017, registered under Sections 21-B, 27-A, 61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Ding, District Sirsa.

It is the contention of learned counsel for the petitioner that the petitioner is not named in the FIR and has been involved in the case on a disclosure statement of co-accused. As per the allegations, there were four people from whom the recovery has been effected but the petitioner was not amongst them. The case of the prosecution is that 110 grams of heroin has been recovered from the petitioner and he has disclosed that he had purchased the same from a Nigerian, namely, Raphel Emeka alias Echem alias I.K. He, therefore, contends that the petitioner, who is in custody since 05.06.2017, be granted the concession of bail, as charges have been framed

only on 11.04.2018 and the trial is not likely to conclude soon. He further contends that three co-accused of the petitioner, from whom the recoveries were effected and were arrested on the spot, have been granted the concession of bail.

Counsel for the State, on instructions from HC Pawan Kumar, Police Station Ding, Sirsa, District Sirsa, could not dispute the factual assertions as made by counsel for the petitioner. He, however, states that recovery of 110 grams of heroin has been effected from the house of petitioner and, therefore, he be not granted the concession of bail.

On a question put by this Court as to whether the petitioner is involved in any other case, the said fact has been categorically responded to in negative by the State counsel.

Having considered the submissions made by counsel for the parties and keeping in view the fact that recovery is of 110 grams of heroin and further the petitioner is in custody for more than 11 months with the trial not likely to conclude in near future and there being no other case registered against the petitioner, the present petition is allowed. The petitioner is directed to be released on bail on his furnishing personal and surety bonds to the satisfaction of Trial Court, Sirsa.

Any observation made herein above shall have no bearing on the merits of the case during the trial in any manner.

May 16, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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