

CRM-M-23013-2018

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

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Date of Decision: 09.07.2018

Joginder Singh @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sumeet Singh Brar, Advocate,
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

INDERJIT SINGH, J.

Petitioner-Joginder Singh @ Kala has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.134 dated 17.11.2017, registered at Police Station Titram, District Kaithal, under Section 20 Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued. Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per the prosecution version, *Charas* weighing 1 kg and 21 grams was recovered from the present

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petitioner in a polythene bag. Recovery of more than 1 kg of *Charas* falls in commercial category. In the present case, the Investigating Officer has weighed *Charas* alongwith polythene bag and there is nothing on record to show the weight of polythene bag. The fact that total weight of *Charas* includes the weight of polythene bag shows that recovery may be non-commercial as the weight of polythene bag is nowhere mentioned.

The petitioner has been in custody since 17.11.2017. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

09.07.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No