

S.No.207

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

**CRM-M-36522 of 2018 (O&M)
Date of Decision:14.09.2018**

Parveen Petitioner

Vs.

State of Haryana Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sushil Sheoran, Advocate
 for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.388 dated 04.08.2017 registered under Section 20 of NDPS Act at Police Station Sadar Dadri, District Charkhi Dadri.

Counsel for the petitioner contends that although the recovery alleged from the petitioner is 3.29 kg of charas, however, this recovery is totally concocted. To support his argument, counsel for the petitioner has pointed out that the requirement of Section 42 of NDPS Act was not complied with since the secret information was not sent to the higher officials. Counsel further submits that even the alleged witnesses of recovery from the petitioner have not supported the case against the petitioner during the trial. This is despite the fact that the alleged witnesses of recovery happen to be the Police Personnels. This shows that the petitioner has been wrongly implicated in the present case. Counsel further submits that in any case, the petitioner is in custody since 04.08.2017. So

far only eight witnesses out of 15 have been examined by the prosecution. The trial is likely to take long time. No purpose would be served by keeping the petitioner in custody.

On the other hand, counsel for the State, being instructed by HC Suresh Kumar, submits that the recovery from the petitioner is of commercial quantity. The trial is in progress. Therefore, the petitioner should not be released on bail.

However, even the Police Officials, including the erstwhile Investigating Officer have not fully supported the case of the prosecution. The petitioner is in custody for a long time.

Therefore, in view of the above submissions made by counsel for the petitioner, but without commenting further upon merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 14, 2018
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No