

CRM-M-45399-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45399-2017

Date of Decision: 27th March, 2018

Hunny Bhatia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Govind Chauhan, Advocate,
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.1086, dated 14.10.2017, registered at Police Station City Karnal, District Karnal, under Sections 21 and 25 of Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as 'NDPS Act').

Counsel for the petitioner contends that the alleged recovery effected from the petitioner is 13.20 grams of heroin, which is yet to be determined as the report of the Chemical Examiner has not been received till date. Petitioner is in custody since 14.10.2017 but till date, charge has not been framed because of non-receipt of the report of Chemical Examiner, therefore, trial is not likely to conclude soon. Counsel states that there is no other case registered or pending against the petitioner under the NDPS Act.

He, therefore, prays for grant of regular bail to the petitioner during the trial.

CRM-M-45399-2017

Counsel for the State could not dispute the assertions of the counsel for the petitioner.

In view of the above facts that recovery effected from the petitioner is yet to be determined whether the same is covered by the NDPS Act as the report of the Chemical Examiner has not been received till date, petitioner is in custody since 14.10.2017, charge has not been framed because of non-receipt of the report of Chemical Examiner and trial is not likely to conclude soon, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned, which may also impose some stringent condition(s) to ensure that the petitioner does not abscond.

27th March, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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