

S.No.215

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

CRM-M-51731 of 2018 (O&M)

Date of Decision:29.11.2018

Sunil Kumar alias Bhandu

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Vikas Malik, DAG,
Haryana.

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.629 dated 05.09.2018 registered under Section 20 of NDPS Act, 1985 at Police Station Sadar Bahadurgarh, District Jhajjar.

Counsel for the petitioner submits that even as per the case of the prosecution, the alleged recovery from the petitioner is of 6.5 kg ganja, which is much less than the prescribed commercial quantity of 20 kg. It is further contended that the petitioner is in custody since 06.09.2018. Challan has already been filed. The petitioner is not required for any investigation purposes. Therefore, no useful purpose would be served by keeping him in custody. Still further, it is contended that there is no other case against the petitioner.

On the other hand, learned State Counsel, being instructed by ASI Rapal, submits that recovery from the petitioner is very heavy, therefore, he does not deserve to be released on bail. However, it is not

disputed that the challan has already been filed in the case and there is no other case of any kind against the petitioner.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 29, 2018
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(RAJBIR SEHRAWAT)
JUDGE

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