

226 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-52833-2018 (O&M)

Date of decision:05.12.2018

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. R.S.Kundu, Advocate  
for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana

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**RAJBIR SEHRAWAT, J. (ORAL)**

Present petition has been filed under Section 439 of Cr.P.C. for seeking bail pending trial in FIR No.909 dated 28.06.2018 for the offences punishable under Section 20 of NDPS Act, registered at Police Station City, Panipat, District Panipat.

Learned counsel for the petitioner contends that even as per the case of prosecution, the alleged recovery from the petitioner is 7.1 kg of *Ganja Patti*. Hence, the alleged recovery from the petitioner is of non-commercial quantity. It is further contended that even the procedure prescribed under Section 50 of NDPS Act has not been followed for effecting the recovery from the petitioner. The petitioner is in custody since 28.06.2018. Challan in the case has already been filed. The investigation of the case is complete and the petitioner is not required for any investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Balwan, submits that there is another case against the petitioner under Section 376 of IPC. However, it is not disputed that the alleged

recovery from the petitioner is of non-commercial quantity.

In response to the submissions of counsel for the State regarding the another pending case, the counsel for the petitioner submits that the petitioner is already on bail in that case. Except the present case, the petitioner is not in custody in another case as of now.

In view of the above, without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**05.12.2018**  
Hemlata

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|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether reportable        | Yes / No |