

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-8100-2018

Date of Decision: March 01, 2018

Jagbir Singh

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr.K.S. Dhaliwal, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in FIR No.196, dated 21.06.2017, under Section 20 of the NDPS Act, 1985, registered at Police Station Sadar Hansi, District Hisar.

2. Learned counsel for the petitioner contends that as per the report of the FSL, 1 kilo 300 gms *Charas* has been recovered from the petitioner, which is marginally above the commercial quantity. The petitioner has been in custody since 21.06.2017 and investigation of the case is complete. Reliance is also placed upon a judgment of this Court in **CRM-M-33843-2015** titled as ***Umar Singh Vs. State of Haryana***, decided on 17.02.2016.

3. Learned State counsel submits that the petitioner is not entitled to the concession of regular bail as recovery is of more than commercial quantity.

4. Having heard learned counsel for the parties and having perused the judgment in *Umar Singh's* case (supra), I am of the view that it would be just and appropriate to release the petitioner-Jagbir Singh on bail during the pendency of trial. In the *Umar Singh's* case (supra), the quantity was of 1.2 kilograms of Charas and this Court held that the quantity recovered was marginally above the commercial quantity and that the same would not be a bar to grant of regular bail to the petitioner. Moreover, there is no other case pending against the petitioner and therefore, it cannot be stated that if the petitioner is released on bail, he might indulge in activities which are violative of the provisions of the NDPS Act, 1985.

5. In view of the above, the petition is allowed and the petitioner-Jagbir Singh son of Ram Sarup, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned at Hisar.

March 01, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No