

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

CRM-M-6546 of 2019

Date of Decision:14.03.2019

Parveen

....Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for seeking bail pending trial in case FIR No. 1150 dated 18.09.2018, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station City Karnal, District Karnal.

Learned counsel for the petitioner submits that the petitioner is in custody since 18.09.2018 and the alleged recovery of the contraband effected from the petitioner is 206 gms of Smack, which was non-commercial quantity. Further contends that the report under Section 173 Cr.P.C. has already been submitted on 18.10.2018 before the Court of competent jurisdiction and charges are yet to be framed.

The above factual position is duly acknowledged by learned State counsel on instructions from the police official present in the Court.

Heard learned counsel for the parties and perused the paper

book.

Keeping in view the fact that recovery is non-commercial and the report under Section 173 Cr.P.C. has already been submitted on 18.10.2018 before the Court of competent jurisdiction. Even the charges are yet to be framed, thus the trial is likely to take a long time to be concluded, as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Parveen be admitted to bail on his furnishing bail bonds and heavy surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, it is clarified that in case there is recurrence on the part of the petitioner then the prosecution would be at liberty to move an application for recalling of the order.

[MAHABIR SINGH SINDHU]
JUDGE

March 14, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no