

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

CRM-M-9442-2019 (O&M)
Date of decision : 08.05.2019

Suresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant regular bail in FIR No.34 dated 25.02.2018 registered under Sections 22/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Dabwali, District Sirsa.

Allegations in the FIR are to the effect that the petitioner ran away from the spot after throwing narcotics and he was identified by Pawan Kumar, Sarpanch of the village. Prayer for bail has been made on the ground that Pawan Kumar, Sarpanch of the Village has stated in his affidavit that he did not find any person similar to Suresh, when he reached at the place of occurrence.

Learned counsel appearing on behalf of the State was requested to verify the correctness of the affidavit. Today, counsel for the State has

submitted that affidavit of Pawan Kumar, Sarpanch of the Village is genuine.

Learned counsel for the petitioner has also submitted that one of the drug recovered does not fall within the definition of the Narcotic Drugs and Psychotropic Substances Act, 1985. In any case, there is recovery of 36 bottles of Onerex Codeine Phosphate Syrup which undisputedly fall within the provision of the Act.

The petitioner is in custody since 27.11.2018. Investigation is complete. Challan has been presented and now the case is fixed for 14.05.2019 for prosecution evidence. Petitioner is not involved in any other case as per the statement given by Investigation officer namely ASI Gurnam Singh, Police Station Sadar, Dabwali, District Sirsa.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 27.11.2018 and the trial of the case is likely to take a long time, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, District Sirsa.

Accordingly, the present petition is allowed.

08.05.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No