

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

224

CRM-M-11006-2019.

Date of Decision: 29.08.2019.

Angrej Singh

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner-Angrej Singh son of Resham Singh in case F.I.R. No.339 dated 13.12.2018 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 279, 336, 427 of the Indian Penal Code, registered at Police Station Ellenabad, District Sirsa.

Learned counsel representing petitioner contended that the petitioner was not apprehended on the spot and no recovery was effected from his possession. The petitioner is in custody since 28.01.2019 and there is no other case against the petitioner under N.D.P.S. Act. Trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so he be released on bail.

Learned State counsel opposed the prayer for bail on the ground that though the petitioner was not arrested on the spot and no recovery was effected from his possession, but the petitioner was identified on the spot by Head Constable Subhash Chander. However, learned State counsel fairly conceded that there was no supporting material that in what capacity Head Constable Subhash Chander was knowing the petitioner. The period of detention of the petitioner is also not disputed in this case.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 28.01.2019, the alleged recovery was not effected from the present petitioner on the spot; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Angrej Singh, is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

29.08.2019

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No