

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12097-2019 (O&M)
Date of Decision:-8.5.2019

Sultan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishavdeep Singh Rana, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.02 dated 2.1.2019 registered at Police Station Kalayat, District Kaithal, Haryana under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The allegations, in nutshell, are that the petitioner was found in possession of 80 grams of '*smack*' while his wife was found in possession of 75 grams of '*smack*'.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, since challan has been presented, his further detention is not required. It has also been submitted that since co-accused has already been released on bail, therefore, the petitioner deserves to be released on bail on grounds of parity as well.

Opposing the petition, the learned State counsel has submitted that the petitioner has been involved in two other cases and infact also stands convicted in one case. It has, however, been informed that challan has already been presented in the present case.

Having regard to the facts and circumstance of the case and bearing in mind the fact that it is a case of recovery of 'intermediate quantity' of contraband and that although the challan has already been presented but not even a single prosecution witness has been examined so far, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and the petitioner Sultan is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case the petitioner indulges in any activity akin to the present case, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

The petition stands accepted accordingly.

8.5.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No