

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

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CRM-M-12827-2019 (O & M)
Date of Decision:30.04.2019

Sikandar Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Anmol Malik, AAG, Haryana.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Sikandar Singh has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.16 dated 19.01.2019, under Section 21 of the NDPS Act, registered at Police Station City Mandi Dabwali, District Sirsa, Haryana.

As per the FIR, on 19.01.2019 police party headed by ASI Sukhdev Singh were present in front of stadium gate at Sirsa Road for patrolling and crime detection duty. Meanwhile, a boy was seen coming on a motorcycle from the side of Bathinda Chowk. On seeing the police party, the motorcycle rider tried to turn his motorcycle but due to sudden change of motion, the engine of the motorcycle was stopped. On suspicion, he was apprehended. A transparent polythene bag was tied on the right handle of motorcycle of the petitioner. Upon search of the polythene bag, recovery of 10 gms of heroine was effected.

Learned counsel for the petitioner contends that the contraband recovered is of non-commercial quantity, which contains the weight of the polythene bag as well. He further contends that mandatory provisions of NDPS Act have not been complied with. He also contends that the petitioner is in custody since his arrest on 19.01.2019.

On the other hand, the bail application is opposed by the learned State counsel on instructions from ASI Sumit Kumar by submitting that the petitioner has committed a serious crime by keeping the contraband with him. However, it is not disputed that quantity recovered is non commercial. It is further argued that there is another case against the petitioner of similar nature, wherein petitioner is on bail.

Considering the above background and the fact that trial is likely to consume considerable time, further detention of the petitioner may not be justifiable. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

30.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No