

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

230

Criminal Misc. No. M-37860 of 2018
Date of decision: 14.03.2019

Sumit @ Sunny

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr.Ankush Chowdhary, Advocate
for the petitioner.

Mr.Arun Beniwal, DAG, Haryana.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.604 dated 05.09.2017, under Section 20 NDPS Act, 1985 registered at Police Station Samalkha, District Panipat, Haryana.

Learned counsel for the petitioner submits that the petitioner has falsely implicated in the present case whereas he was not involved. Recovery was not effected from the exclusive possession of the petitioner. He is not having any criminal background as no other case of NDPS Act is pending against him. Earlier he was released on interim bail as FSL report was not received in view of the order passed by the learned Single Judge on 09.02.2018. He is in custody for the last more than one year. Co-accused of petitioner namely Kala filed CRM-M-366 of 2018 and he has been released on regular bail vide order dated 15.01.2018. All the witnesses are official

witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence.

Learned State counsel has not disputed the custody period as well as release of co-accused Kala on regular bail. However, he has opposed grant of regular bail on the ground that the recovery is commercial.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

By considering the custody which is more than one year and also the fact that co-accused Kala has been released on regular bail; the fact that no other case of NDPS Act is there against the petitioner; the trial may take some time to conclude and moreover, the witnesses are official and there is no possibility that he may influence the witnesses or tamper with the evidence, the present petition is allowed and petitioner, namely, Sumit @ Sunny, is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

14.03.2019
anju

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No