

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

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CRM-M-23148-2019.

Date of Decision: 20.08.2019.

Nirmal Singh

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Pardeep Kumar, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner- Nirmal Singh son of Narata Singh in case F.I.R. No.105 dated 16.04.2019 under Section 21 of the N.D.P.S. Act, registered at Police Station Chandimandir, District Panchkula, for having possession of 40 grams heroin, which is below the commercial quantity prescribed under the Act.

Learned counsel representing petitioner contended that the petitioner is in custody since 16.04.2019 and 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, on instructions from ASI Rajbir Singh, contended that the petitioner was involved in eight more cases under N.D.P.S. Act, but he has already been acquitted in all those eight cases and except for present one, there is no other case under N.D.P.S. Act against the present petitioner and the alleged recovery is of non commercial quantity.

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 16.04.2019, allegation against the petitioner is for having possession of 40 grams heroin, which is below the commercial quantity prescribed under the 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, the present petition is allowed. Petitioner—Nirmal 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

20.08.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No