

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

**Criminal Misc. No. M-53036 of 2018
Date of decision: 29.01.2019**

Sajjan @ Bhanja

..Petitioner

Versus

The State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sushil Bhardwaj, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.177 dated 09.07.2018 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bawani Khera, District Bhiwani.

Learned counsel for the petitioner submits that as per allegations levelled in the FIR, the recovery was not effected from the petitioner as he has been shown to have thrown the alleged substance. No independent witness was joined at the time of recovery. Learned counsel further submits that mandatory provisions of the NDPS Act have not been complied with. The petitioner is in custody since 16.10.2018. Challan has been presented. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

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Learned State counsel has not disputed the custody period but has opposed grant of regular bail to the petitioner on the ground that one more case is pending against the petitioner wherein he has been convicted. However, learned counsel for the petitioner submits that appeal filed by the petitioner is pending and his sentence has been suspended during pendency of the appeal.

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

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 16.10.2018; all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed and the petitioner (Sajjan @ Bhanja) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

29.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable Yes