

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

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CRM-M-24883-2019.

Date of Decision: 04.07.2019.

Ashpreet and another

....Petitioners.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sapan Dhir, Advocate for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 read with Section 482 of the Criminal Procedure Code is for grant of regular bail to petitioners—Ashpreet and Harvinder alias Modi in case F.I.R. No.3 dated 02.01.2019 under Section 15/61/85 of the N.D.P.S. Act, registered at Police Station Azad Nagar, Hisar, who were travelling in a truck bearing registration No.PB-11BK-7465 and as per prosecution case, 410 kg poppy husk was recovered from another truck bearing registration No.PB-65T-4417.

Learned counsel representing the petitioners contended that the petitioners were not found to be in possession of any contraband material, rather the alleged recovery was effected from co-accused, who were travelling in truck bearing registration No.PB-65T-4417. The petitioners are in custody since 02.01.2019.

Learned counsel for the petitioners also contended that there are serious lapses during investigation proceedings as observed by the Court at different stages. Trial of the case still to take some more time and no useful purpose would be served by detaining the petitioners behind the bars, so they be released on bail.

Reply by way of affidavit of Shiv Charan, Superintendent of Police, Hisar, filed by learned State counsel, in Court today, is taken on record.

Learned State counsel opposed the prayer for bail on the ground that recovery was effected from the possession of all the accused who were travelling in both the truck simultaneously.

Having considered the submissions made by learned counsel for the parties and appraisal of the record, this Court is of the considered view that there are fairly arguable point on merits in this case as regard to conscious possession of the petitioner of contraband material, but without commenting anything on the merits of the case, at this stage and taking into consideration the fact that the petitioners are in custody since 02.01.2019 and trial of the case still to take some more time and no useful purpose would be served by detaining the petitioners behind the bars, the present petition is allowed. Petitioners—Ashpreet and Harvinder alias Modi are ordered to be admitted to regular bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

04.07.2019
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