

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

CRM-M No.25145 of 2019 (O&M)

Date of Decision: 20.08.2019

Kesar Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Goyal, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.277 dated 29.11.2018, under Section 22 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station Kalanwali, District Sirsa.

It is contended by learned Counsel for the petitioner that no contraband was recovered from the petitioner either on the spot or during investigation. Further contended that petitioner is in custody since 05.04.2019.

The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Bharat Singh.

Concededly, neither any contraband has been recovered from the petitioner; nor any material has been shown for the complicity of the

petitioner for commission of offence under the provisions of NDPS Act. Report under Section 173 Cr.P.C. has already been presented before the Court of competent jurisdiction on 15.07.2019, therefore, further incarceration of the petitioner will not serve any purpose.

In view of above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

August 20, 2019

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>