

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

223/2

**CRR-1407-2019 (O&M).
Date of Decision: 04.07.2019.**

Taranpreet

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present revision petition by petitioner-Taranpreet is directed against the order dated 23.05.2019 passed by Additional Sessions Judge, Hisar, whereby the appeal filed by the petitioner against the order dated 01.04.2019 passed by the Principal Magistrate, Juvenile Justice Board, Hisar, dismissing the bail application of the petitioner, 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, was dismissed.

The petitioner and the co-accused 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 petitioner contended that the petitioner was 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 petitioner is in custody since 02.01.2019.

Learned counsel for the petitioner 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 petitioner behind the bars, so he be released on bail.

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 petitioner is 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 petitioner behind the bars, the present petition is allowed. Order dated 23.05.2019 passed by Additional Sessions Judge, Hisar and the order dated 01.04.2019 passed by the Principal Magistrate, Juvenile Justice Board, Hisar are hereby set aside. Petitioner—Taranpreet is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned Principal Magistrate, Juvenile Justice Board/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

04.07.2019

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No