

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

227/2)

CRM-M-27139 of 2019 (O&M)

Date of Decision: 08.11.2019

Amar Buda

...Petitioner

Versus

State of Haryana

...Respondent

2)

CRM-M-27146 of 2019 (O&M)

Pingal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Ms. Aakriti Mathur, Advocate,
for Mr. Amandeep Singh, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

By these petitions filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail'.

On 24.07.2019, the following order had been passed in these petitions:-

“On July 4, 2019, the following order had been passed:-

“Learned counsel for the petitioners in both these petitions submits that the quantity of contraband ('Charas') contended even as per the FIR to have been recovered from both the petitioners in these two petitions, being only marginally above commercial quantity, i.e. .043 kgs, in the case of petitioner Amar Buda and .026 kgs in the case of petitioner Pingal, they may be granted the concession of bail, it being their first offence even if it is eventually so proved.

Learned counsel for the State would place on record the custody certificates of each of the two petitioners by the next date of hearing positively.

Adjourned to 19.07.2019.

A photocopy of this order be placed on the file of the other connected case.”

Though learned State counsel naturally opposes the bail application on the ground that commercial quantity of '*charas*' has been recovered from the petitioner, however he could not deny that no other case is shown to be registered against either petitioner in each of the petitions.

However, the next date of hearing before the trial court being 31.07.2019, adjourned to 02.08.2019.

A copy of this order be placed on the file of the other connected matter too.”

Thereafter, the matter had been adjourned on 24.07.2019 to August 02, 2019, with learned State counsel submitting that since commercial quantity of '*charas*' was recovered from the petitioners in these two petitions, even though there were no other criminal cases registered against them, the matter may be adjourned beyond the next date of hearing before the trial court.

Learned counsel for the petitioners has produced in court today the orders passed by the trial court on 19.04.2019, 06.06, .2019, 31.07.2019, 09.09.2019 and 19.10.2019, to point out that the prosecution witnesses, i.e. all police officials, are not appearing time and again.

As per the instructions of the learned State counsel, received from the police official who is present in court to assist him, there is no other case registered against the petitioners.

That being so, I consider it appropriate to admit the petitioners in both the petitions to bail during the pendency of the trial.

Consequently, without making any comment on the actual merits of the cases, for or against the petitioners, these petitions are allowed.

The petitioners would be enlarged on bail, upon their furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

08.11.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes

Whether reportable: No