

S.No.224

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

CRM-M-29498 of 2019 (O&M)

Date of Decision:21.11.2019

Parveen Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ajay Kamboj, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.0091 dated 12.04.2019 registered under Section 21 of NDPS Act at Police Station City Mandi Dabwali, District Sirsa.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. However, even as per the case of the prosecution, the alleged recovery from the petitioner is only 15 grams of heroin which is much less than the commercial quantity of substance as prescribed under the NDPS Act. The petitioner is in custody since 12.04.2019. The challan has already been filed. Therefore, the petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

On the other hand, learned State Counsel, being instructed by SI Ramesh Kumar, submits that the recovery of contraband has actually been effected from the petitioner. Still further, it is submitted that the petitioner is having one more case under the NDPS Act against him.

However, it is not disputed that the petitioner is in custody since

12.04.2019 and that the recovery from the petitioner is of 15 grams only.

In response to the above submissions of the learned State Counsel, learned counsel for the petitioner submits that in the other case, referred to by the State Counsel, the petitioner has already been released on bail. The petitioner is not in custody in any other case except the present one, as of today.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 21, 2019

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**(RAJBIR SEHRAWAT)
JUDGE**

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No