

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

CRM-M No. 30564 of 2019(O&M)

Date of decision: - 11.12.2019

BALRAJ SINGH

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 414 dated 10.12.2018 registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 Police Station Madhuban, District Karnal.

As per prosecution case, 360 kgs of poppy husk was recovered from the fields of Vikram Singh.

Learned counsel for the petitioner states that in this case, nothing was recovered from the present petitioner. He is in custody since 10.12.2018 and the trial will take some more time to conclude. No useful purpose would be served by detaining the petitioner behind the bars. Moreover, co-accused Dilbag Singh @ Dlibag has already been granted regular bail by the Coordinate Bench.

On the instructions from ASI Ashok Kumar, learned State has brought to the notice of this Court that though the recovery was effected from the fields of Vikram Singh and not from the personal search or possession of present petitioner-Balraj Singh, yet he was caught on the spot.

I have heard the learned counsel for the parties. The alleged recovery was not effected from the possession of the petitioner. The petitioner is in custody since 10.12.2018, the trial will take time to conclude and no useful purpose would be served by detaining the petitioner behind the bars. Moreover, co-accused Dilbag Singh @ Dlibag has already been granted regular bail by the Coordinate Bench of this Court.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration, the petition is allowed and the petitioner-Balraj Singh is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

11.12.2019

Mangal Singh

Whether reasoned/speaking?	Yes
Whether reportable?	No