

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-38549 of 2019
Date of Decision: October 15, 2019.

Vijay PalPetitioner
versus
State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU.

Present: Mr.Bijender Dhankhar, Advocate, for the petitioner.
Mr.Tanuj Sharna, AAG, Haryana.

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Mahabir Singh Sindhu, J. (Oral)

The present petition under Section 439 Cr.P.C. has been filed praying for grant of concession of regular bail pending trial to the petitioner in case FIR No.33 dated 09.02.2019 registered under Section 15 of the Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Mahesh Nagar, Ambala Cantt.

As per the allegations of the prosecution, contraband was recovered from a room constructed in the orchard over khasra Nos.1/25/1 (1-16)/1//25/2/(5-14)/2//21/2 (0-18), 22 (0-2) and in view of the affidavit of the owner thereof, orchard has been leased out to one Rajban son of Shri Ali Hassan. Further contends that in view of the stand taken by the Halqa Patwari as well, the owner of the land in question, conscious possession of the petitioner cannot be construed at this stage.

Learned State counsel, on instructions, has acknowledged the above factual position regarding ownership of orchard as well as lease agreement, but opposed the bail.

Heard both sides and perused the paper book.

There is no material on record to substantiate the allegation against the petitioner regarding possession over the orchard or room constructed therein. Thus, it is a debatable question as to whether the petitioner was in conscious possession of the contraband recovered from the room constructed in the orchard or not? The petitioner is in custody since 09.02.2019; challan has been presented and charges have already been framed; trial of the case is likely to take long time, therefore, further incarceration of the petitioner is not justified.

In view of the above-said circumstances, without expressing any opinion on merits of the case, this petition is allowed and petitioner Vijay Pal be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, concerned.

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

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

October 15, 2019
mohinder

(MAHABIR SINGH SINDHU)
JUDGE

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