

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

**CRM-M-42672-2019
Date of decision: 18.12.2019**

Omkar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 312 dated 18.07.2019, registered under Section 18 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner was apprehended on the basis of a secret information and 526 grams of the opium were allegedly recovered from him, which is a non-commercial quantity.

Learned counsel for the petitioner further submits that after the arrest of the petitioner in the present case, he was involved in one more FIR No. 260 of 2019, under Sections 379, 411, 473 of the IPC and Section 18 of the NDPS Act on the basis of disclosure statement made by one of the co-accused, who was arrested later on and the petitioner has already been granted concession of regular bail in case FIR No. 260.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 22.07.2019 and it will take a long time in conclusion of the trial as no prosecution witness has been examined so far and the next date before the trial Court for examination of prosecution witnesses is 06.01.2020.

Learned State counsel, on instructions from ASI Ram Parkash, has not disputed the factual position but opposed the prayer of the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 22.07.2019 and it will take some time in conclusion of trial as no prosecution witness has been examined so far and also in view of the fact that alleged recovery effected from the petitioner is of non-commercial quantity, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

18.12.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No