

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 42997 of 2019

Date of Decision:17.10.2019

Murat Singh @ Murti

.....Petitioner

versus

State of Haryana

.....Respondent

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

Present:- Mr. Gurinder Singh Goraya, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana

MAHABIR SINGH SINDHU, J(Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of bail pending trial to the petitioner in case FIR No.207 dated 19.05.2019, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'Act'), registered at Police Station Sadar Thanesar, District Kurukshetra.

Contentends that petitioner is in custody since 19.05.2019, charges were framed on 24.09.2019 and no prosecution witness has been examined till date. Further contentends that recovery in this case is alleged to be 4.9 Kgs. of poppy husk.

Learned State counsel, on instructions from SI Surender Singh has acknowledged the above factual position.

Heard both sides and perused the paper-book.

The petitioner is in custody since 19.05.2019, charges were framed on 24.09.2019; no prosecution witness has been examined till date and now the case is fixed for 07.12.2019. Since the

recovery is stated to be 4.9 Kgs. of poppy husk, thus provisions of Section 37 of the Act are not attracted in the present case, therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of 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 cooperate with learned trial Court without seeking any unnecessary adjournments.

17.10.2019
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable No