

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

**CRM-M No.43535 of 2019 (O&M)
Date of Decision: 18.10.2019**

Rajiv @ Raju

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Nain, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.187 dated 04.08.2019, under Section 22 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Tohana, District Fatehabad.

Contentends that neither any recovery has been effected from the petitioner; nor any other case is pending against him, rather he has been nominated only on the basis of disclosure statement, made by co-accused Darshan Singh, from whom, the alleged recovery of contraband has been made. Also contends that petitioner is in custody since 26.08.2019 and after investigation, challan has already been presented on 27.09.2019 and the case is fixed for consideration of the charges.

The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official present in the Court, but opposed the bail.

Heard both sides and perused the paper-book.

Since there is neither any recovery from the petitioner; nor any other criminal case is pending against him and he is in custody since 26.08.2019 and trial will take sufficient long time for its conclusion, thus, further incarceration of the petitioner will not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing 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.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

October 18, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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