

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

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CRM-M-44759-2019

Date of Decision: 17.12.2019

Singara Singh

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. D.S. Virk, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, 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 has been 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 and Balraj Singh have already been granted the concession of regular bail by this Court.

On the instructions from ASI Ashok Kumar, learned State has brought to the notice of this Court that the petitioner stands convicted and sentenced to imprisonment for 10 years in case FIR No.33 dated 14.03.2000, under Section 15 of the NDPS Act and another case bearing FIR No.152 dated 29.05.1998, under Section 15 of the NDPS Act is pending against him.

On this, counsel for the petitioner states that in case bearing FIR No.33 dated 14.03.2000, under Section 15 of the NDPS Act, the petitioner was admitted to bail after suspension of his sentence whereas in case FIR No.152 dated 29.05.1998, under Section 15 of the NDPS Act, the petitioner has already been acquitted.

I have heard the learned counsel for the parties.

The alleged recovery was not effected from the possession of the petitioner. The petitioner has been in custody since 10.12.2018; the trial will take time to conclude and that no useful purpose would be served by detaining the petitioner behind the bars. Moreover, co-accused Dilbag Singh @ Dlibag and Balraj Singh have already been granted regular bail.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(Harnaresh Singh Gill)
Judge

17.12.2019
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No