

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

**CRM-M No.45001 of 2019 (O&M)
Date of Decision: 29.10.2019**

Sachin Kumar @ Noni

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagjit Gill, 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.0280 dated 28.08.2019, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Civil Line Sirsa, District Sirsa.

As per the allegations of the prosecution, the recovery of alleged contraband i.e. 16 gram Smack (less than commercial) was effected from co-accused, namely, Saurav Kumar.

Contentends that petitioner is in custody since 28.08.2019 and after investigation, challan has already been presented on 19.10.2019 and charges are yet to be framed. Also contends that there is no other criminal case against the petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from A.S.I. Ram Pal, but opposed the bail.

Heard both sides and perused the paper-book.

Since there is no recovery from the petitioner and investigation is already over. The conscious possession of the contraband by the petitioner is a debatable question, which shall be decided during trial, therefore, further incarceration of the petitioner would 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 29, 2019

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>