

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

CRM-M No.46945 of 2019 (O&M)
DATE OF DECISION : 2nd DECEMBER, 2019

Baljeet

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Satbir Singh Gill, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.298 dated 06.09.2019 registered under Sections 15 & 61 of the Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Civil Lines, District Sirsa.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Even as per the allegation of the prosecution, the alleged recovery from the petitioner is of only 5 kg of poppy husk, which is much less than the commercial quantity. The petitioner is in custody since 06.09.2019. The challan has already been filed in this case. Therefore, the petitioner is not required for investigation purpose. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, on instructions submits that the petitioner is habitual offender. There is two more cases against him. In one case of same nature, he has been acquitted and one more case is pending under the Arms Act. However, it is not disputed that that the recovery is of only 5kg poppy husk and that the petitioner is in custody since, 06.09.2019.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

2nd DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

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