

CRM-M-64501 of 2018

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

CRM-M-64501 of 2018
Date of Decision: 14.01.2019

Balwinder

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Ajay Kamboj, Advocate, for the petitioner.
Mr. Raj Kumar Makkar, Sr. DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.245 dated 24.09.2018 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Ellenabad, District Sirsa.

According to the prosecution, 72 Kgs of poppy husk was recovered from the main accused namely, Raju, who on interrogation named the petitioner and one Rohtas for their involvement in the smuggling of narcotic substance.

Learned counsel for the petitioner *inter alia* contends that petitioner was not apprehended on the spot. He has falsely been implicated on the alleged disclosure statement of co-accused Raju, which is a very weak type of evidence. Co-accused of the petitioner namely Rohtas has been granted interim anticipatory bail by this Court vide order dated

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15.10.2018 passed in CRM-M-45524 of 2018. Petitioner is in custody since 07.10.2018. Conclusion of trial may take sufficient long time. No useful purpose would be served by detaining the petitioner in jail any more.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail during pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

January 14, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No