

CRM-M-51719-2019 (O&M)

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

**CRM-M-51719-2019 (O&M).
Decided on: December 10, 2019.**

Kala

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Harinder Singh Aujla, Advocate,
for the petitioner.**

Ms.Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioner prays for the grant of regular bail in case FIR No. 160 dated 14.10.2019, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Guhla, District Kaithal.

As per the allegations in the FIR, the petitioner was found in possession of 3 kgs of *doda-post* on 14.10.2019 at Kaccha path by the side of Hansi – Butana canal across main road Samna to Cheeka.

Learned counsel for the petitioner submits that the petitioner has been wrongly implicated in the present FIR and the petitioner has no role to play with the alleged offence as no alleged recovery was

CRM-M-51719-2019 (O&M)

effected from the petitioner. He further submits that the petitioner is in custody since 14.10.2019 i.e. from the date of his arrest and the conclusion of trial is likely to take a long time. Learned counsel prays that the petitioner be granted the concession of regular bail.

On the other hand, learned State counsel submits that earlier also the petitioner was involved in a similar case in which he was convicted as mentioned in the order passed by the Special Judge, as such, the petition be dismissed.

Learned counsel for the petitioner states that in the said case of the year 2015, the petitioner has already undergone the sentence awarded which was reduced to the period already undergone and thereafter, the petitioner has not been involved in any other case.

I have heard the learned counsel for the petitioner as well as the learned State counsel.

Without expressing any opinion on the merits of the case, keeping in view the fact that the petitioner is in custody since the date of his arrest i.e. 14.10.2019; the recovery effected from the petitioner being slightly above the small quantity; coupled with the fact that the conclusion of trial is likely to take a long time, this petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

December 10, 2019.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No