

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

CRM-M-52798 of 2019

Date of Decision: 17.12.2019

Sunil Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 seeking bail pending trial in case FIR No. 0273 dated 16.09.2019, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Dabwali, District Sirsa.

It is contended by learned counsel for the petitioner that the contraband recovered from the petitioner is less than the commercial quantity and his co-accused, namely Sandeep Kumar alias Deepu, has already been granted bail by this Court vide order dated 28.11.2019 passed in CRM-M-45776 of 2019. Also contends that there is no other criminal case pending against the petitioner. Further contends that allegations against the petitioner are similar to that of above co-accused and thus, treating the case on similar footing, he be released on bail.

The above factual position has been duly acknowledged by learned State counsel on instructions from the police official.

Heard learned counsel for the parties and perused the paper book.

Keeping in view of the fact that the alleged contraband recovered from the petitioner is non commercial, therefore, the embargo of Section 37 of the NDPS, Act would not be attracted. In view the fact that the petitioner is in custody since 16.09.2019 and the co-accused has already been granted the concession of bail by this Court vide order dated 28.11.2019; the trial is likely to take a long time to be concluded, as such no useful purpose would be served by keeping the petitioner behind the bars any more.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Sunil Kumar be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

[MAHABIR SINGH SINDHU]
JUDGE

December 17, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no