

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.662 of 2020(O&M)
DATE OF DECISION:04.03.2020

Mehboob @ Booba

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr. Rahul Singla, Advocate for
Mr. Karan Singh, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

LALIT BATRA, J. (Oral)

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-Mehboob @ Booba in case F.I.R. No.312 dated 04.11.2019 under Section 21 of NDPS Act, registered at Police Station Sadar Yamunanagar.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence and even otherwise alleged recovery of contraband i.e. smack/heroin weighing 70 grams falls in non-commercial quantity. He further submits that petitioner is in custody since 04.11.2019 and he is no more required by the Police for any investigation purpose. He further submits that after completion of investigation, challan has been presented in the Court and trial has already commenced. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be

served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 04.11.2019; that challan has been presented against the petitioner in the Court; that trial has already commenced and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Mehboob @ Booba** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Yamunanagar at Jagadhri, as the case may be.

(LALIT BATRA)
JUDGE

04.03.2020

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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No