

CRM-M-7794 of 2020

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

CRM-M-7794 of 2020
Date of Decision: 27.02.2020

Sukhvir

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. Deepshikha Chauhan, Advocate, for the petitioner.
Mr. Chetan Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioner – Sukhvir – in a case arising from FIR No.417 dated 02.12.2019 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Civil Line Sirsa, District Sirsa, Haryana.

Petitioner is facing trial in the aforesaid FIR for keeping conscious possession of 10 grams of heroin.

Learned counsel *inter alia* contends that in the instant case no recovery was effected from the petitioner. He has falsely been implicated on the disclosure statement of his co-accused, namely, Vikesh Kumar @ Vicky and Sunil @ Munna, who have been granted bail by the trial Court. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner in jail any more. Therefore,

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treating the case of the petitioner on the same parity as that of his co-accused, he may also be granted regular bail.

Refuting above submissions, learned State counsel contends that apart from instant case, petitioner was apprehended in another case bearing FIR No.201 dated 02.01.2019 registered under Section 21 of the NDPS Act at Police Station Ding with conscious possession of 200 grams of heroin, which fact proves that petitioner is an habitual offender. Thus, case of the petitioner cannot be treated on the same parity as that of his aforesaid co-accused.

Countering above arguments of learned State counsel, learned counsel for the petitioner further submits that in case FIR No.201 dated 02.01.2019 petitioner has been granted bail under Section 167(2) Cr.P.C.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Treating the case of the petitioner on the same parity as that of his co-accused, he (Sukhvir) is ordered to be released on bail during pendency of trial, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

February 27, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No