

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

210

CRM-M No.19446 of 2020

Date of Decision: August 6th, 2020

Ajay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Raman Gaur, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of learned counsel for the petitioner that the petitioner is in custody since 17.09.2019. Recovery, which has been effected is 54 grams of heroin along with ₹40,000/- from the dashboard of the car. The other case, which has been registered against the petitioner is for 7 grams of heroin, where the petitioner has been granted the concession of bail. His contention is that the co-accused of the petitioner including the main accused Sonu, who is the owner and driver of the car, has already been granted the concession of bail vide order dated 09.01.2020 (Annexure P-2) passed by this Court in CRM-M No.55162 of 2019. His submission is that the trial is not likely to conclude in near future and the concession of bail be granted to the petitioner.

Learned counsel for the State, on the other hand, contends that the petitioner appears to be a habitual offender as this is the second case, which has been registered against the petitioner. She submits that the petitioner be not granted the concession of bail as the recovery, which has been effected although from the car but the petitioner was also travelling in the same. However, she could not dispute the fact with regard to the period

of custody of the petitioner as also that in the other FIR, which has been registered against him, recovery is of 7 grams of heroin and he has been granted the concession of bail.

Keeping in view the submissions made by the counsel for the parties and in the facts and circumstances of the present case, especially in the light of the fact that the petitioner is in custody since 17.09.2019, when the trial may take a long time, no useful purpose would be served by keeping him in custody, the present petition is allowed and the petitioner is directed to be released on bail to the satisfaction of the trial Court/ Chief Judicial Magistrate/Duty Magistrate, Sirsa, subject to heavy surety.

Any observations made hereinabove are for the purpose of disposal of the present petitions alone and shall have no bearing on the merit of the case during the trial in any manner.

August 6th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No