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

CRM-M-15668 of 2020

Date of decision: July 03, 2020

Sandeep @ Lathru

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anuj Balian, Advocate for the petitioner.

Mr. Pardeep Chahar, DAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.30 dated 06.02.2020, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Chandimandir, District Panchkula.

As per prosecution case, on a secret information, petitioner was apprehended with 25 grams of heroin carrying in a polythene from his pocket.

Contentends that as per allegations of the prosecution, recovery of 25 grams of Heroin was effected from the petitioner. Also contends that the petitioner is in custody since 06.02.2020, after investigation, in the matter, challan has already been presented on 01.04.2020, but charges are yet to be framed. It is also the contention of the petitioner that in view of the prevailing circumstances, trial is likely to take sufficient long time.

On the other hand, learned State counsel has opposed the

prayer of the petitioner.

Heard both sides and perused the paper-book.

Concededly, the recovery from the petitioner is only 25 grams of Heroin, i.e. less than the commercial quantity and after investigation, in the matter, challan has already been presented, but the charges are yet to be framed; thus, the trial is likely to take sufficient long time. Consequently, in the opinion of this Court, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that both the petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

It is also clarified that in case, there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an application for recalling of this order.

(MAHABIR SINGH SINDHU)
JUDGE

July 03, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No