

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

CRM-M-16639 of 2020

Date of Decision: 14.07.2020

Sukhchain

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naresh Kumar Chhokar, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.70 dated 05.02.2020 registered
under Section 20 of NDPS Act, 1985, at Police Station Samalkha, District
Panipat.

Learned counsel for the petitioner states that the petitioner is a
Rickshaw puller and the recovery effected from the petitioner is ganja
weighing 21 kg. 500 grams, which is marginally above the commercial
quantity and if the weight of the plastic bags is reduced, it becomes non
commercial. The petitioner is in custody since 05.02.2020.

Notice of motion.

Mr. Sukhdeep Singh Parmar, DAG, Haryana accepts notice on
behalf of respondent-State.

On instructions from ASI Rameshwar, learned State counsel
has not disputed the fact that the recovery effected from the petitioner i.e.
ganja weighing 21 kg. 500 grams. He also states that challan was presented

I have heard the learned counsel for the parties.

The petitioner is in custody since 05.02.2020. The charges are yet to be framed. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

14.07.2020
Maninder

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