

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

**CRM-M-22941-2020 (O&M)
Date of decision: 21.8.2020**

Sita Ram

... Petitioner (s)

Versus

State of Haryana

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Pratham Sethi, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing in view of
COVID-19 Pandemic.

The present petition has been filed under Section 439 Code of
Criminal Procedure for grant of regular bail to the petitioner in case FIR
No.221 dated 16.9.2019 registered for the offences punishable under
Sections 15 and 18 of NDPS Act at Police Station Sadar Tohana, District
Fatehabad.

Notice of this petition was issued to the State. Reply on behalf
of the State was filed. Learned State counsel has opposed the bail
application on the ground that the petitioner is a previous convict.

It is the case of the prosecution that on 16.9.2019, the police
intercepted one Swift car bearing registration No.HR22-Q-9675 which was

driven by non-applicant-Shyamdeep alias Sandeep son of the petitioner. The

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authenticity of this document

petitioner was also travelling in the said car. On the search of the car, one plastic bag and polythene bag were found lying on the rear seat. The plastic bag was containing 6 kg and 50 grams of poppy husk while polythene bag was containing 115 grams of opium. Recovered contraband was sealed at the spot and taken into possession by the police. The petitioner and his son were taken into police custody at the spot. It has been brought to the notice of this Court that son of the petitioner has already been granted regular bail in this very case. The present case is relating to recovery of non-commercial quantity of contraband. The petitioner is already in custody for the last more than 1½ years. Challan has not been presented by the police in the Court till date.

In these given circumstances, no useful purpose would be served by keeping the petitioner in custody for any longer period. Moreover, previous conviction of the petitioner is no bar for grant of regular bail in the present case.

Thus, without expressing any opinion on the merits of the case, present petition is allowed and the petitioner is ordered to be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the learned Special Judge/Duty Magistrate, Fatehabad.

(KARAMJIT SINGH)
JUDGE

August 21, 2020

Paritosh Kumar

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