

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

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CRM-M No.23713 of 2020

Date of Decision: September 11th, 2020

Kamlesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No.229 dated 07.07.2020 registered under Sections 17 of NDPS Act, 1985 at Police Station Sadar Dabwali, District Sirsa.

In compliance with the order passed by this Court on 26.08.2020, counsel for the State has verified the correctness of the statement made by the counsel for the petitioner, according to which petitioner stands acquitted in all cases except for one i.e. FIR No.155 of 2013 under Sections 147, 149 and 365 IPC registered at Police Station City Dabwali, where also he has been released on bail. Under the NDPS Act, except for the present case, as of now there is no other case. Recovery in the present case, which has been effected from the petitioner is 52.70 grams of opium, which is little more than small quantity. Challan has been presented on 11.08.2020 and the next date of hearing before the trial Court is 01.12.2020.

Counsel for the petitioner states that with the prevailing circumstances and the next date being in the month of December, with the challan having been presented, petitioner be granted the concession of bail.

Counsel for the State, on the other hand, has asserted that the recovery has been effected from the petitioner of opium and, therefore, the

concession, as prayed for, be not granted to him.

Having considered the submissions made by the counsel for the parties and keeping in view the quantity of recovery, which has been effected from the petitioner as also the fact that the trial is not likely to proceed in near future, especially when the next date of hearing is 01.12.2020 before the trial Court, with no other case against the petitioner under the NDPS Act, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Sirsa.

At this stage, learned counsel for the petitioner has informed the Court that inadvertently in the memo of parties, 'State of Punjab' has been mentioned as respondent, whereas it should have been 'State of Haryana'.

The record has been perused and the assertion of the counsel for the petitioner is found to be correct.

Registry is directed to carry out the necessary correction in the memo of parties by striking off word 'Punjab' and adding 'Haryana' therein as respondent.

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

September 11th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No