

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CRM-M-24687-2020

Date of Decision: September 08, 2020

Karambir

-----Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.P.S. Virk, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.273 dated 13.06.2020, under Section 15 of NDPS Act, 1985, Police Station Azad Nagar, District Hisar.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been wrongly roped up in the present FIR and even otherwise also the alleged recovery of 20 kg 300 grams of poppy husk against the petitioner is non-commercial quantity and was allegedly recovered from two persons. He has further submitted that the petitioner is in custody since 16.06.2020 and challan has been presented after completion of investigation. Learned counsel has further submitted that there is no other case against the petitioner and this case was planted upon him.

On the other hand learned counsel for the State has submitted that it is correct that the alleged recovery of 20 kg 300 poppy husk, is non-commercial. He is not disputed the custody period of the petitioner and the challan has already filed against the petitioner. Learned counsel

for the State further submits that it is also correct that there is no other case against the petitioner as of today. However, he has opposed the bail since there was recovery of poppy husk.

I have heard learned counsel for the petitioner as well as the learned State counsel through Video conference.

Admittedly, the custody period is not in dispute. However, investigation is complete and the challan has already been presented. So far as the alleged recovery of 20 kg 300 grams of poppy husk is concerned, which is non-commercial quantity and the same is allegedly recovered from two persons.

After going through the case file and in view of the submissions made by learned counsel for the parties, I am of the considered opinion that the present petitioner may be enlarged on bail.

Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the learned trial Court/ Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

08.09.2020
Atul

Whether speaking/ reasoned	-	Yes/No
Whether reportable	-	Yes/No