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

CRM-M-25702 of 2020

Date of decision: September 09, 2020

Bhola Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parminder Walia, Advocate for the petitioner.

Mr. Pardeep Prakash 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.83 dated 25.05.2020, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Sector-20, Panchkula.

As per prosecution case, on a secret information, petitioner along with co-accused-Sandeep were apprehended, in a truck bearing registration No.HP12K-3074, by the police and upon search, 30 kilograms of poppy-husk was recovered.

Contentends that petitioner is in custody since 25.05.2020 and after investigation in the matter, challan has already been presented. Also contends that co-accused of the petitioner, namely Sandeep has already been granted concession of bail pending trial by the Coordinate Bench, on 21.08.2020 in CRM-M-23245 of 2020. Further contends that as per allegations of the prosecution, recovery in this case, is less than commercial, i.e. 30 kg. of poppy-

husk.

The above factual position is duly acknowledged by the learned State counsel, on instructions from police official, but opposed the prayer and submitted that petitioner has committed a serious offence; thus, he does not deserve the concession of bail pending trial.

Heard both sides and perused the paper-book.

Concededly after investigation in the matter, challan has already been presented and recovery, in this case, is less than commercial, i.e. 30 kg. of poppy-husk; thus, rigor of Section 37 of the NDPS Act would not be attracted. It is also the admitted position that co-accused of the petitioner has also been granted bail by the Coordinate Bench and there is no other criminal case pending against the petitioner. Since the charges are yet to be framed and trial will take long time for final conclusion; thus, 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.

Petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

September 09, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No