

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

CRM-M-29125-2020
Date of Decision: 19.11.2020

BALWINDER SINGH

....PETITIONER

Versus

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Arpandeeep Narula, Advocate,
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

SANT PARKASH J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.216 dated 26.07.2020, under Section 17 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'Act'), registered at Police Station Civil Lines Sirsa, District Sirsa.

As per the prosecution, on 26.07.2020 police officials were present on patrolling duty and when they were passing through Friends Colony, they noticed petitioner present on the corner of street No.7. Having suspicion, petitioner was searched at spot and 100 gm opium was recovered from his possession. After necessary formalities, FIR was

registered and petitioner was arrested.

Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the present case. The quantity of the recovered contraband falls under the category of non-commercial quantity. Challan has been filed and the charges have already been framed and the present petitioner is no more required for any further investigation purpose. The petitioner has been in custody since 26.07.2020, the concession of bail be extended to him.

Learned State counsel though opposed the prayer made by the petitioner but could not dispute the aforesaid facts.

I have heard learned counsel for the parties and with their kind assistance, have gone through the record of case.

Keeping in view the totality of facts & circumstances of the present case and the fact that recovery falls under the non-commercial quantity; and the trial of the case will take long time, no useful purpose would be served by keeping the petitioner in custody further, since he is already behind bars since 26.07.2020, the present petition is allowed.

The petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

**(SANT PARKASH)
JUDGE**

November 19, 2020
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whether speaking/reasoned: Yes/No

whether reportable: Yes/No