

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29928-2019(O&M)

Date of decision:28.01.2020

Sumit Kumar

... Petitioner

versus

State of Haryana

... Respondent

Coram: Hon'ble Mr. Justice Ashok Kumar Verma

Present: Mr. Saurabh Sharma, Advocate, for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Ashok Kumar Verma, J.(Oral)

CRM-21204 of 2019

Application is allowed as prayed for.

CRM-M-29928-2019

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of regular bail in case FIR No. 145, dated 28.03.2019 under Section 21 of NDPS Act, 1985, registered at Police Station Ambala Cantt., District Ambala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He also contends that the alleged contraband which was recovered from the petitioner is much below the threshold of the commercial quantity. No independent witness was joined in the investigation. Petitioner is in custody since 28.03.2019 and he is not involved in any other case. The FSL report with regard to the alleged recovered contraband is still awaited and the trial will take long time to conclude.

On the other hand, learned State counsel, on instructions, has opposed the bail application of the petitioner on the ground that he was

apprehended with 102 grams and 50 ml. grams of heroin (smack). However, he is not in a position to controvert the submission of the learned counsel for the petitioner that there is no other case against him.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(ASHOK KUMAR VERMA)
JUDGE

28.01.2020
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Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No