

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

CRM-M-33653-2020 (O&M)

Date of decision: 29.10.2020

Kishan Chhabra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sushil Sheoran, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.164 dated 27.06.2020 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as “the Act of 1985”) at Police Station Badhra, District Charkhi Dadri.

As per case of the prosecution, the petitioner alongwith co-accused Ankit Yadav was apprehended by the Police with 1200 grams charas.

Learned counsel for the petitioner contends that the petitioner is in detention since 27.06.2020 and he is the first time offender under the Act of 1985. He further contends that the recovery is slightly higher than the quantity from where the commercial category starts. Hence, he contends that

the quantity recovered is marginally higher.

On the other hand, Mr. Manish Bansal, DAG, Haryana, has stated that on completion of the investigation, the police report against the petitioner and his co-accused Ankit Yadav has been filed, however, the alleged supplier of the narcotics is yet to be arrested. He submits that the efforts are being made to nab him.

He further informed the Court that the petitioner is involved in yet another case under the Indian Penal Code at Delhi.

It is not in dispute that the investigation qua the petitioner has been completed. He is in judicial custody. He has already suffered incarceration for a period of more than four months.

Keeping in view the aforesaid facts and the order passed by the Court in CRM-M-33843-2015, decided on 17.02.2016, the petition is allowed. The petitioner be enlarged on bail subject to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

29.10.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No