

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

CRM-M-33674-2020 (O&M)
Date of decision : 25.11.2020

Sidharth @ Sidhu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

This second petition has been filed under Section 439 Cr.P.C. seeking bail in FIR No. 108, dated 23.06.2020, registered under Section 20 (b) (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the Act') at Police Station New Colony, District Gurugram.

States that allegedly 5 kilograms of Ganja was recovered from the plastic bag carried by the petitioner. The petitioner is a first offender and the quantity is non-commercial. From a reading of the FIR, it becomes clear that Section 50 of the Act was not complied with.

On the other hand, learned State counsel opposes the instant petition. Learned State counsel submits that recovery was effected from the conscious possession of the petitioner and there is absolute compliance of

Heard.

The petitioner is a young man of 24 years and is in custody since 23.06.2020. Considering the age of petitioner and the fact that he is not involved in any other FIR under the Act; the quantity recovered from the petitioner is intermediate quantity; out of 12 witnesses, none has been examined so far. Thus, the Court feels that trial is not likely to be completed in the near future and no purpose will be achieved in keeping the petitioner in further incarceration. In these circumstances, the petition is allowed.

The petitioner be admitted to bail during the pendency of the trial, on furnishing indemnity bond of ₹5 lakh with two local sureties of the same amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

25.11.2020
jyoti-II

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No