

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

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IN VIRTUAL COURT

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**CRM-M No. 35031 of 2020
Date of decision : 4.11.2020**

Satbir @ Pittar

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rajat Mor, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 87 dated 20.4.2020, registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 51 (b) of the Disaster Management Act, 2005 and Section 188 IPC, at Police Station Pillukhera, District Jind.

It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the alleged recovery from the petitioner is one kilogram charas, which is a non-commercial quantity. The petitioner has been in custody for the past more than six months. The challan has already been filed. However, the evidence of the prosecution has not even started so far. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

The counsel for the State, being instructed by ASI Ram Mehar, has submitted that a heavy quantity of prohibited substance has been recovered from the petitioner. However, it is not disputed that the alleged recovery is a non-commercial quantity. But it is also submitted by the counsel for the State that there is one more case against the petitioner under the NDPS Act itself. Hence, the petitioner does not deserve concession of bail pending trial.

However, in response to the above submission of the counsel for the State, the counsel for the petitioner has submitted that the petitioner has already been granted bail pending trial in the 'said' another case, referred to by the counsel for the State. The petitioner is not in custody in any other case as of now, except the present one.

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 bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

4.11.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No