

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.40079 of 2020 (O&M)
Date of Decision.07.12.2020
(Heard through VC)

Harjinder Singh @ Babbu		...Petitioner
	Vs	
State of Haryana		...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.238 dated 25.09.2020 registered under Section 17 of NDPS Act at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner *inter alia* would contend that the recovery effected from the petitioner is of 425 grams of opium, which is a non-commercial quantity and the recovery was effected from the motor cycle on which the petitioner was a pillion rider and not from his person. The petitioner is in custody since 25.09.2020 and the trial is likely to take some time to conclude, therefore, prays for grant of bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State on instructions from ASI Raj Kumar opposes grant of regular bail to the petitioner by contending that one more case is pending against the petitioner, however, does not dispute the fact that 425 grams of opium was recovered from the motor cycle on which the petitioner was a pillion rider and not from the person of petitioner.

I have heard learned counsel for the parties and have perused the paper book.

Keeping in view the fact that recovery of 425 grams of opium, which is a non-commercial quantity, was effected from the motor cycle on which the petitioner was a pillion rider and not from person of the petitioner and that the petitioner is in custody since 25.09.2020 and the trial is likely to take some time to conclude, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

December 07, 2020

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No