

225

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 45573 of 2019 (O&M)
Date of Decision:- 22.01.2020

Jaspal Singh @ Kala

...Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.111 dated 31.03.2019, registered under Sections 15 and 31 of NDPS Act. 1985 at Police Station Sadar, Fatehabad, District Fatehabad.

Alleged recovery is of 54 kgs of poppy husk, which is marginally in excess of commercial quantity.

Learned counsel for the petitioner by relying upon

Shinda vs. State of Punjab, 2013(3) RCR (Criminal) 557 and

Lakhwinder Singh @ Bittu vs. State of Punjab, 2012(22) RCR

(Criminal) 301 submitted that the alleged recovery was slightly

more than the quantity prescribed for commercial category.

Petitioner is in custody since 26.04.2019.

Learned counsel for the petitioner further submits that co-accused Roshan Lal has already been granted anticipatory bail by the High Court on 10.07.2019.

Learned State counsel on instructions from SI Mahavir states that incriminating article recovered from the petitioner falls in commercial quantity.

Learned State counsel further submits that challan has been presented. Out of total 18 prosecution witnesses, none has been examined so far.

Trial of the case may take some time in its conclusion. Keeping in view the recovery of poppy husk which is marginally higher than commercial quantity. I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, Fatehabad.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

22.01.2020

geeta

Whether speaking /reasoned

Whether Reportable

**(Raj Mohan Singh)
Judge**

Yes / No

Yes / No