

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

CRM-M-47123-2019 (O&M)

Date of Decision: 24.07.2020

Pargat Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sahil Gupta, Advocate for
Mr. Karan Garg, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in case FIR No.223, dated 24.08.2019, under Sections 22(c)/61/85 of the NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

Counsel for the parties have been heard.

As per prosecution version, the police while on patrolling duty on 28.06.2019 intercepted the petitioner and from a polythene bag recovered from him, 15 bottles of onerex containing 100 ml each. Total weight of the recovered contraband was of 2 kg. 25 grams including the weight of the bottles. The weight of the empty bottles was found to be 195 grams and as such, the weight of the contraband was 1 kg. 830 grams in total.

Petitioner has faced incarceration since 24.08.2019.

Investigation in the case is complete and the challan has already

been presented.

Learned State counsel informs the Court that even though 13 prosecution witnesses have been cited but none has been examined till date.

Trial, as such, would take time to conclude.

Even though, the petitioner is stated to be involved in another case under the NDPS Act but he has been granted benefit of bail in such matter.

The alleged recovery from the present petitioner would be construed as marginally over and above the non-commercial quantity.

Counsel has even adverted to the orders passed by the Coordinate Bench at Annexures P-5 and P-6 whereby the benefit of bail has been granted to the accused/petitioners therein and where under the alleged recovery was even on the higher side.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Fatehabad.

Disposed of.

24.07.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |