

CRM-M-49554-2019

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

CRM-M-49554-2019
Date of Decision:21.01.2020

Rapheal

... Petitioner

Versus

UT Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashish Pal Kaushal, Advocate,
for the petitioner.

Kr. Yashwant Singh Rathore, Addl. Public Prosecutor of U.T.
Chandigarh.

HARNARESH SINGH GILL, J.(Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.138 dated 20.06.2019, registered at Police Station Sector 36, Chandigarh, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 14 of the Foreigners Act (added later on).

Learned counsel for the petitioner contends that on 09.03.2019, the petitioner entered India with valid passport and visa. The recovery allegedly effected from the petitioner is 82 gram of heroin. The petitioner has been in custody since 20.06.2019.

On the other hand, learned State counsel opposed the prayer made in the present petition. The learned State counsel, on instructions from SI Mohinder Singh, submits that out of 16 prosecution witnesses, 14 witnesses have been examined.

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I have heard learned counsel for the petitioner and the learned State counsel.

The petitioner has been in custody since 20.06.2019. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping him behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, and further subject to his depositing passport in original with the trial Court/Duty Magistrate.

21.01.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No