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

**CRM-M No.51232 of 2019
Date of Decision: 29.01.2020**

RAJ KUMAR ALIAS RAJU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

In compliance of the order dated 18.12.2019, short reply by way of affidavit of Dr. Sanjay Singh, Superintendent, District Jail, Kurukshetra filed on behalf of the respondents is taken on record.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.687 dated 12.07.2019, registered under Sections 21 of the NDPS Act at Police Station City Thanesar, District Kurukshetra.

As per case of the prosecution, the petitioner was found in conscious possession of 8 grams of heroin (smack).

As per reply filed by Superintendent, District Jail Kurukshetra, petitioner was medically examined in the context of case registered against him. As per medical certificate attached with the reply, petitioner was operated with ORIF with plating (rt) forearm and followed at LNJP Civil Hospital Kurukshetra at Orthopedics Department on eight occasions.

Learned State counsel on instructions from SI Randhir submitted that the petitioner is also involved in two more NDPS cases and in one case under Section 174-A IPC. In the NDPS cases, non-commercial quantity was involved and the petitioner was granted bail. In the present case as well the alleged contraband recovered from the petitioner falls under the category of non-commercial quantity.

Learned State counsel further submitted that the challan has been presented and charges have already been framed. Out of 13 prosecution witnesses, three witnesses have been examined. Next date before the trial Court is 26.02.2020 for remaining prosecution evidence. Trial of the case may take some time in its culmination.

At this stage, without adverting to the merits of the case and since there is no such opinion given in the aforesaid medical certificate in the context of addiction of the petitioner, therefore, keeping in view the quantity recovered from the

petitioner, I am of the view that petitioner, who is in custody since 12.07.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 29, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No