

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

202

CRM-M-54409-2019

Date of decision: 19.02.2020

Sorabh @ Soshi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. B.S. Mamli, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No.0108 dated 11.05.2018 registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sadar Tohana, District Fatehabad.

As per the prosecution version on 11.05.2018 ASI Baldevraj along with other police officials was present on barricade at Ratia-Tohana Road, Indu Chohi, Dharshul Cross. One car came from the side of Kullan and on seeing the police party, the driver tried to turn back his car but the police officials apprehended accused-Sorabh @ Soshi driver of the car and co-accused Kuldeep Singh @ Sandeep @ Kalu who was co-passenger in the said car. On search as per the prescribed procedure as detailed 10 grams of heroin was recovered from their car.

The Coordinate bench of this Court, while issuing notice of motion vide order dated 19.12.2019, had granted interim anticipatory bail to the petitioner with direction to appear before the trial Court.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner was continuously appearing in the case before the trial Court but due to noting down of wrong date as 05.12.2019 instead of 05.11.2019, he could not appear on 05.11.2019 before the trial Court and learned Special Judge, Fatehabad cancelled his bail order and summoned him through warrant of arrest for 20.12.2019. In compliance with order dated 19.12.2019 passed by the Coordinate Bench of this Court, the petitioner had appeared before the trial Court and was released on interim anticipatory bail. Trial is likely to take long time. No useful purpose will be served by his detention in custody. Therefore, the petition may be allowed.

Learned State Counsel has opposed the bail application but acknowledged that the petitioner has complied with order dated 19.12.2019 passed by this Court.

In view of the facts and circumstances of the case, nature of accusation and also the facts that trial is likely to take long time and that detention of the petitioner in custody will not serve any useful purpose but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 19.12.2019 granting interim bail to the petitioner is made absolute. The anticipatory bail order and bail bonds furnished in compliance with order dated 19.12.2019 shall enure till conclusion of trial.

19.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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