

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

CRM-M-13128-2021

Date of Decision: 07.09.2021

Sombir

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Kundu, Advocate for petitioner.

Ms. Harpreet Kaur, AAG Haryana.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No. 247, dated 11.9.2019, under Section 20 of NDPS Act, 1985, registered at Police Station I.M.T. Rohtak.

Brief facts are that on 11.9.2019, police acting upon a secret information apprehended petitioner-Sombir. There was recovery of 1Kg of Charas from the petitioner.

Learned counsel for the petitioner argues that the petitioner is in custody since 11.9.2019. Recovery is of 1kg which include the weight of polythene. Trial is not progressing, not even a single witness has been examined.

Learned State counsel opposes the grant of bail and submits that the recovery is of commercial quantity. There are total ten prosecution witnesses. Challan was presented on 29.11.2019.

Recovery from the petitioner is 1kg of Charas, as per contention raised it include weight of polythene. Petitioner is in custody since September, 2019. *Inspite of* presentation of challan, there is no head way in the trial.

Conclusion of trial is likely to take time. Bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

7th September, 2021

reema

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	No