

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

205

CRM-M No.53328 of 2019
DATE OF DECISION : 23rd FEBRUARY, 2021

Satyawan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Namit Khurana, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.59 dated 13.03.2019 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Panipat, District Panipat.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the petitioner was not found in possession of any psychotropic substance, as such. Even as per the allegations of the prosecution 152 plants of opium were found in the fields of sister of the petitioner. The prosecution claims the weight of the said plants to be about 11 kg. However, this weight is of alleged green plants only and not of any poppy husk or other product which comes from the plants. Hence, the quantity of the alleged recovery is not definite by any weight as such. The counsel has further submitted that the petitioner is in custody since

13.03.2019. The investigation of the case is completed and therefore, the petitioner is not required for any investigation purposes. There is no other case against the petitioner. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Ms. Deipa Singh, Additional Advocate General, Haryana, accepts notice on behalf of the State.

The learned counsel for the State has opposed the present bail petition by submitting that a heavy recovery of grown-up plants of opium was made from the petitioner. However, it is not disputed that the prosecution relies upon the total weight of the green plants only and not upon the dried up poppy husk as such. It is also not disputed that the petitioner is in custody since 13.03.2019. The counsel for the State has also not been able to rebut the fact that there is no other case against the petitioner and that only one prosecution witness has been examined so far.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

23rd FEBRUARY, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No