

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

CRM-M-17471-2023

Decided on:-20.04.2023

Malkiat Singh

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Tanu Priya Singh, Advocate,
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.19 dated 28.01.2023, under Section 15 of the NDPS Act, 1985 (Section 27-A of NDPS Act added later on), registered at Police Station City Pehowa Kurukshetra, District Kurukshetra.

The allegation against the petitioner is regarding alleged recovery of 19 kg of poppy husk, which is non-commercial in nature.

Learned counsel for the petitioner submits that the petitioner is in custody for the last more than 2½ months now and the investigation in the present case already stands concluded, with the filing of challan on 16.03.2023, thus, the trial is likely to take some time. She further submits that there is no other case under NDPS Act, registered against the petitioner.

She also submits that the wife of the petitioner is pregnant and there is no

one in his family to take care of her.

On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the recovery of 19 kg of poppy husk was made from him, though it was non-commercial in nature.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in submissions made on behalf of the petitioner.

Considering the fact that the recovered quantity is non-commercial in nature and no other case under NDPS Act is registered against him as well as the fact that the investigation in the present case already stands concluded with the filing of challan and trial is likely to take some time, there does not appear to be any justification to extend the incarceration of the petitioner any further, who is behind the bars for the last 2½ months now.

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

20.04.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No