
(2013) 08 P&H CK 0658

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-24438 of 2013

Surinder Singh @ Chinda

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 16-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 18, 27A

Citation : (2013) 08 P&H CK 0658

Hon'ble Judges : Naresh Kumar Sanghi, J

Bench : Single Bench

Advocate : Ranjit Singh Ghuman, for the Appellant; Anupam Sharma, AAG, Haryana, for the Respondent

Final Decision : Allowed

Judgement

Naresh Kumar Sanghi, J.—Prayer in this petition is for grant of regular bail to the petitioner, Surinder Singh @ Chinda, who has been booked for having committed the offences punishable under Sections 18 and 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, in a case arising out of FIR No. 413, dated 05.08.2011, registered at Police Station, Sadar, Karnal, for having been found in possession of 40 grams of opium without any permit or licence. Learned counsel contends that according to the allegations of the prosecution, there were two persons in a car and on seeing the police party, they ran away from the spot after leaving the car on the spot. He further submits that on checking, 40 grams of opium was recovered from a small plastic box. He also contends that the conscious possession would be a moot point during the course of trial. He also contends that the petitioner is behind the bars from 28.05.2013 and the charge-sheet (report u/s 173, Cr.P.C.) has already been submitted before the learned Judicial Magistrate 1st Class.

2. Learned counsel for the State though opposed the grant of bail to the petitioner on the ground that the petitioner is involved in so many cases,

therefore, he should not be extended the benefit of regular bail in this case.

3. Heard.

4. 40 grams of opium was allegedly recovered from an abandoned car and not from the possession of the petitioner. He is behind the bars from 28.05.2013. The charge-sheet (report u/s 173, Cr.P.C.) has already been submitted before the learned court below. Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Surinder Singh @ Chinda, s/o Desh Raj, resident of village Herain, District Nawanshahar, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bail bonds in the sum of ₹ 50,000/- with one surety in the like amount with an undertaking that he shall not repeat the offences during pendency of trial of this case, to the satisfaction of the learned trial court.