

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15922-2020 (O&M)
Date of Decision:-31.8.2021

Tara Chand	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohit Sadana, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Krishan Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.0386 dated 9.6.2018 at Police Station Sadar Bahadurgarh, District Jhajjar under Section 20 of Narcotic Drugs and Psychotropic Substances Act.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Tara Chand (petitioner) and Roshan Lal residents of District Kulu, Himachal Pradesh, indulged in supply of 'charas' and that even on the given day they were coming in their Alto Car bearing registration No.HR-35-3652 alongwith heavy quantity of 'charas'. Pursuant to receipt of said information, barricading was held and the car in question was intercepted and the petitioner as well as Roshan Lal were found to be sitting in the car, which was being driven by Roshan Lal. A search of the car led to recovery of

4.700 kilograms of 'charas', which was found to be lying underneath the front passenger seat.

3. Learned counsel for the petitioner has submitted that the petitioner has been behind bars since the last more than 3 years and that till date not even a single PW has been examined and that he has clean antecedents and has been falsely implicated.
4. Opposing the petition, learned State counsel has submitted that it is a case of recovery of huge quantity of contraband, which is much more than the commercial quantity and, as such, the petitioner does not deserve the concession of regular bail. Learned State counsel has, however, not disputed that despite a period of more than 2 years having elapsed not even a single PW has been examined out of the cited 15 PWs. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case but while bearing in mind the fact that the petitioner has a clean record and has been behind bars for a substantial period of more than 3 years and that the conclusion of trial is likely to consume time as not even a single PW out of the cited 15 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.8.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**