

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.203

CRM-M-26312-2020

Date of decision: 17.12.2021

Sukha @ Sukhvinder

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Deepak Chaudhary, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.283 dated 24.05.2020, registered under Section 21-C/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station Urban Estate, Hisar, District Hisar.

The petitioner is being prosecuted for having been found in illegal possession of 322.66 grams of heroin.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; there is no other criminal case pending against the petitioner; the petitioner is in custody since 24.05.2020; investigation in the case is complete and therefore, neither is the petitioner needed for the same nor can he influence it; the alleged recovery from the petitioner is marginally higher than the prescribed non-commercial quantity; this Court had granted interim bail to the petitioner which concession was not misused by him; all the co-accused namely Krishana alias Kuki, Sunil and Makhan Singh have been released on regular bail by this Court through CRM-M-18384-2020 - Krishana alias Kuki vs. State of Haryana, CRM-M-16440-2020 – Sunil vs. State of Haryana and CRM-M-16292-2020 - Makhan Singh vs. State of Haryana and the petitioner's trial in which 11 prosecution witnesses still remain to be examined will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that if he is released on bail, he may indulge in similar offences.

The petitioner is in custody since 24.05.2020; there is no other criminal case pending against the petitioner; investigation in the case is complete and therefore, neither is the petitioner needed for the same nor can he influence it; the alleged recovery from the petitioner is marginally higher than the prescribed non-commercial quantity; this Court had granted interim bail to the petitioner which concession was not misused by him; all the co-accused namely Krishana alias Kuki, Sunil and Makhan Singh have been released on regular bail by this Court CRM-M-18384-2020 - Krishana alias Kuki vs. State of Haryana, CRM-M-16440-2020 – Sunil vs. State of Haryana and CRM-M-16292-2020 - Makhan Singh vs. State of Haryana and the petitioner's trial in which 11 prosecution witnesses still remain to be examined will take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hisar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

December 17, 2021

Jyoti 1

(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No