

**236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-4086-2022 (O&M)****Date of decision : 24.05.2022****Gaurav****....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Gaurav Vir Singh Behl, Advocate for the petitioner
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.18 dated 08.02.2021 under Sections 21/22/29-61-85 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sector-9, Ambala City, who is in custody since his arrest on 09.02.2021.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Ambala in the order dated 30.12.2021 are as under:-

“Allegations against the applicant/accused namely Gaurav are that it is he, who supplied the contraband in question to co-accused persons namely Deepak, Rinku Kumar and Pritpal, who were found possessing 16, 15 & 14 Buprenorphine Injection IP (Leegesic) 2 ML respectively, on 07.02.2021, while the said co-accused persons were on Activa. FIR was registered against co-accused persons, who were found possessing the contraband in question and during the course of investigation, on the basis of their disclosure statements, applicant/accused was arrested on 09.02.2021.”

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated on the basis of disclosure statement made by accused-

Deepak, Rinku and Pritpal and the said piece of evidence is comparatively weak in nature. He submits that the investigation of the case is not only over, but even other co-accused from whom the recovery was effected have already been released on regular bail. He prays for bail.

On the other hand, learned State counsel assisted by ASI Jaspal Chander opposes the prayer on the ground that the quantity recovered falls under commercial quantity. He further refers to custody certificate of the petitioner to contend that he is involved in one more case of similar nature, however, in the said case, he is on bail. He further submits that the final report stands filed on 05.04.2021, however, charges are yet to be framed.

After hearing learned counsel for the petitioner, considering the above background, custody of the petitioner and the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

24.05.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No