

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**  
(209)

**CRM-M-5177-2022 (O&M)**  
**Date of decision: - 14.02.2022**

**Anil Kumar**

**....Petitioner**

**Versus**

**State of Haryana**

**.....Respondent**

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Fatehjeet Singh, Advocate,  
for the applicant-petitioner.

Mr. Manish Dadwal, AAG, Haryana.

**( Through Video Conferencing )**

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**VIKAS BAHL, J. (ORAL)**

**CRM-5234-2022**

Learned counsel for the applicant-petitioner seeks permission of this Court to withdraw the present application.

In view of the statement made by learned counsel for the applicant-petitioner, the present petition is dismissed as withdrawn.

**CRM-M-5177-2022**

This is the second petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.333 dated 30.06.2021, under Sections 20B/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sector 32/33, District Karnal.

Learned counsel for the petitioner has submitted that in the present case, the alleged recovery of 15 KG 755 grams of 'Ganja Patti' is from the petitioner, which is of non-commercial quantity. It is further submitted that the petitioner is not involved in any other case and he has been in custody since 30.06.2021. It is also submitted that although, in the present case the challan has been presented, but the FSL report is still not being filed. It is further contended that the question whether, 'Ganja Patti' would fall within the meaning of narcotic drug or not, is a matter of debate. It is argued that although, the earlier bail petition was dismissed as withdrawn on 06.10.2021 at that stage, but even after a lapse of 4 months and 8 days, no progress has taken place in the trial inasmuch as, even the charges have not been framed and there are 13 witnesses, none of whom have been examined and thus, the trial is likely to take long time, moreso, in view of the present pandemic.

On the other hand, learned State counsel, on instructions from ASI Sandeep Kumar, has opposed the present petition for regular bail and has submitted that the recovery is from the petitioner himself, however, other factual aspects have not been disputed by learned State counsel.

This Court has heard the learned counsel for the parties and has perused the paper book.

Keeping in view the above said facts and circumstances, moreso, the fact that the alleged recovery from the petitioner does not fall under the ambit of commercial quantity and the petitioner is not involved in any other case and he has been in custody since 30.06.2021 and

although, the challan in the present case has been presented, but the FSL report has still not been filed and even after the order dated 06.10.2021, passed by this Court, vide which the petitioner had withdrawn the first petition for regular bail at that stage, not much progress has taken place in the trial, inasmuch as, neither the charges have been framed nor any of the 13 witnesses have been examined and thus, the trial is likely to take long time, moreso, in view of the present pandemic. Further, all the prosecution witnesses are stated to be police officials and thus, the question of influencing them does not even arise.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court / Duty Magistrate / CJM, and subject to him not being required in any other case.

It is however made clear that in case the petitioner influences or threatens any witness, then it would be open to the State to move an application for cancellation of bail of the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

**February 14, 2022**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

|                            |     |
|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |