

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**228**

**CRM-M-23328-2022 (O&M)**

**Date of decision: 07.12.2022**

Suresh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Saksham Malhotra, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

\*\*\*\*

**HARNARESH SINGH GILL, J. (ORAL)**

Through this petition, the petitioner seeks regular bail in case bearing FIR No.485 dated 29.12.2019, registered at Police Station Civil Lines, District Jind, under Section 20 NDPS Act.

Learned counsel for the petitioner contends that although recovery of 4 kg and 603 gram *charas* was allegedly effected from the petitioner, yet the fact remains that co-accused, namely, Ajay from whom recovery of 2 kg and 560 gram *charas* was effected, has since been granted the concession of regular bail by this Court, vide order dated 02.09.2021 (Annexure P-3). He further contends that the petitioner has been in custody since 29.12.2019 and that even though the alleged recovery was effected from a public place i.e. Bus Stand, yet no independent witness had been introduced at that time. Out of 15 prosecution witnesses, only 03 have been examined.

Learned counsel for the petitioner has also drawn the attention of this Court towards the order dated 04.10.2022 passed by the learned Additional Sessions Judge, Jind, vide which PW HC Sandeep has been

summoned through bailable warrants in the sum of Rs. 10000/- with one surety in the like amount and now the case is fixed for 20.01.2023 for examination of other witnesses. The petitioner is not involved in any other case.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the recovered contraband falls under the commercial quantity. However, he does not dispute the custody period of the petitioner and the fact that there is no other case against the petitioner. He submits that out of 15 prosecution witnesses, 03 have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 20.12.2019. The recovery has already been effected. Moreover, there is no other case against the petitioner. Co-accused, namely, Ajay is on bail. Remaining 12 prosecution witnesses are yet to be examined. The conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)  
JUDGE

07.12.2022  
Mangal Singh

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