

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29771-2022 (O/M)

Date of decision : 30.8.2022

Narender Kumar alias Kala

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Aditya Sanghi, Advocate
for petitioner (s).

Mr. Aman Bahri, Additional A.G. Haryana.

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HARINDER SINGH SIDHU, J.

This is petition filed under Section 439 Cr.P.C. for grant of regular bail in FIR No. 87 dated 24.8.2019 registered under Section 22 (c) of NDPS Act at Police Station Rori, District Sirsa, Haryana.

The allegations against petitioner are that 2000 tablets of Tramadol Hydrochloride were recovered from his possession and that he was not having any valid licence for the same.

It is stated that the petitioner is in custody since 24.8.2019. The petitioner had earlier filed a petition i.e. CRM-M-51310-2021 seeking his release on bail. The said petition was disposed of on 11.2.2022. Though bail was not granted, however, noticing that out of 13 witnesses, only 3 witnesses have been examined. Considering the fact that the petitioner had undergone almost 2 ½ years of custody, the trial Court was requested to make an endeavour to conclude the trial as early as possible.

Mr. Sanghi, learned counsel for petitioner states that even after six months of that order, there is no progress in the trial. He states that the petitioner has been in custody for more than 3 years. Other than this case, there is no other case against the petitioner. He relies on the decisions of Hon'ble the Supreme Court in Md. Raja and another Vs. The State of West Bengal, Criminal Appeal No. 1293 of 2022 (arising out of SLP (Crl.) No. 3133/2022, decided on 22.8.2022 and Amit Singh Moni Vs. State of Himachal Pradesh, Criminal Appeal No. 669 of 2020 (arising out of SLP (Criminal) No. 3813 of 2020, decided on 12.10.2020) where bail has been granted taking into account the long custody of the petitioners.

Mr. Bahri, learned Additional A.G. Haryana affirms that other than this case, there is no other case against the petitioner. He states that as of now, only 4 prosecution witnesses have been examined.

Thus, it appears that the trial has made any headway in the last 6 months.

Considering the aforesaid and that the petitioner has been in custody since 24.8.2019, no useful purpose would be served by keeping the petitioner behind the bars. Hence, petition is allowed. Petitioner Narender Kumar alias Kala is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

30.8.2022
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No