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

**CRM-M No.39966 of 2022(O&M)
Date of Decision: 15.09.2022**

Sanjeev Kumar Mishra

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sukhcharan Singh Gill, Advocate and
Mr. Sarfraj Hussain, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.599 dated 09.11.2018 registered under Section 20 of the NDPS Act at Police Station Sadar Rohtak.

The FIR was registered on the basis of secret information to the effect that Harnarayan, Santosh Kumar, Sanjeev Kumar Misar and Anish Kumar residents of Bihar were coming in a maruti car with narcotics to supply the same to the petitioner, who was present near Bhallot Canal Bridge. On the basis of aforesaid secret information, the raid was conducted.

Secret informer was released and police party went to Bhallot Canal Bridge after leaving the vehicle about 100 meters away. One maruti car came to be stopped near the person present on the bridge. Four persons alighted from the car. After talking for sometime with the person present at the spot, those four persons took out a plastic bag from the vehicle and brought out some material from it and then showed the same to the person standing there. When they started to give the same to the person standing there, they were apprehended by the police. The person who was standing at the spot ultimately came to be known as Sanjeev Kumar Mishra (petitioner). Other persons were identified as Harnarayan, Santosh Kumar, Sanjeev Kumar Misar and Anish Kumar. Notice was issued to them under Section 50 of the NDPS Act. The accused opted to be searched before the Gazetted Officer. The Gazetted Officer was called at the spot and search was effected in his presence. In the search of the persons and vehicle, plastic bag was recovered, which was to be given by Santosh, Harnarayan, Sanjeev and Anish to the petitioner. The huge quantity of *charas* was recovered. On weighment, the same was found to be 55 kgs 400 grams.

Vide a detailed order dated 26.08.2021 passed by this Court in CRM-M No.33123 of 2019, learned State counsel was directed to place on record all the interlocutory orders passed by

the trial Court in the context of examination of the witnesses or adjournment of the case from time to time. The aforesaid orders were required for appreciating whether the trial has been delayed on account of any unavoidable circumstances during COVID-19 or due to any fault attributed to any of the parties.

Thereafter, vide order dated 11.10.2021, the aforesaid petition was disposed of by directing the trial Court to make every possible effort to conclude the trial at the earliest, preferably within a period of six months from the date of receipt of certified copy of the said order.

Admittedly, the trial has not been concluded so far. Orders dated 26.08.2021 and 11.10.2021 passed in CRM-M No.33123 of 2019 shall also form part of this order. Now 28.09.2022 is the date fixed before the trial Court for prosecution evidence.

Learned counsel for the petitioner submits that the similar situated co-accused Harnarayan Mishra has been granted regular bail by the High Court vide order dated 29.08.2022 passed in CRM-M No.37269 of 2022. Co-accused Santosh and Sandeep have also been granted concession of regular bail by the trial Court on 07.09.2022 and 14.09.2022 respectively.

In view of facts and circumstances of the case, I find that the case of the petitioner is not distinguishable from that of co-accused, who have been granted regular bail by the High Court as well as by the trial Court. Petitioner is in custody for the last more than 3 years and 10 months. The trial of the case may take some time in its culmination.

Looking to the aforesaid facts and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 15, 2022
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No