

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-44839-2021

Date of Decision:24.02.2022

Prashant @ Pintu @ Dimpy

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, A.A.G., Haryana.

VINOD S. BHARDWAJ , J.(Oral)

Instant petition has been filed under Section 439 Cr.P.C. seeking concession of regular bail to the petitioner in case FIR No.195 dated 11.08.2021 under Sections 22(C) and 29 (the offence under Section 29 of the NDPS Act has been added later on) of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Sector-17, Faridabad.

Learned counsel for the petitioner *inter alia* contends that the case in question was registered on the basis of a secret information against one Satish @ Sattey. Upon interception, the investigating agency apprehended the said accused and recovered 20 injections of NRX Buprenorphine IP Leegesic 2ML each from the possession of Satish @ Sattey and its total quantity comes 40 ml as against the prescribed commercial quantity of 20 ml. Learned counsel further submits that in the

first disclosure statement of the said co-accused Satish @ Sattey, he had stated that he used to procure the contraband from some Narender in Koshi Kalan, District Mathura (U.P.). However, the said disclosure statement was retracted and a second disclosure statement was recorded on 12.08.2021 wherein the name of the petitioner was recorded for the first time. It is on the basis of the said supplementary disclosure statement that the petitioner was apprehended and from his possession only a sum of Rs.2,500/- has been recovered. There is no other case against the petitioner and no contraband has been recovered from the possession of the petitioner. It is submitted that the investigation in the case is already complete and the trial is not likely to conclude in the near future.

Mr. Kanwar Sanjiv Kumar, A.A.G., Haryana, on instructions from ASI Dinesh, has submitted that the name of the petitioner figured in the disclosure statement of the co-accused from whom the recovery had been effected and further 20 injections had been sold by the petitioner to co-accused Satish @ Sattey for a total consideration of Rs.3,000/-. Since the petitioner had spent Rs.500/- out of the total consideration, the remaining amount of Rs.2,500/- stood recovered from the petitioner. It is, however, not disputed by the learned State Counsel that there is no other case against the petitioner under the NDPS Act. It is also not disputed by learned State Counsel that final report under Section 173 Cr.P.C. stood filed upon completion of investigation on 06.10.2021 and the charges stood framed on 10.12.2021. There are as many as 18 witnesses who have been named in the final report, however, no witness has been examined so far.

Heard learned counsel for the parties.

Considering the submissions made by the parties and without commenting on the merits of the case, lest it may prejudice the outcome of the trial and also considering the fact that the petitioner is in custody since 12.08.2021 and that the trial has not made any progress, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

The observations made here-in-above shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

February 24, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No