

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

216

CRM-M-48327-2021 (O&M)

Date of decision: 08.03.2022

BALWAN

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.228 dated 17.05.2021, registered under Section 20 of the NDPS Act (Section 20-B of the NDPS Act added later on); Section 188 IPC and Section 51 of the Disaster Management Act, 2005, at Police Station Narnaund, District Hansi.

Status report by way of an affidavit dated 03.01.2022 of the Deputy Superintendent of Police, Narnaund, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that no recovery was effected from the petitioner; that the alleged recovery of 139 kg ganga patti has been effected from the house of co-accused, namely, Rajbir, beneath the earth, who has been arrested in 22.05.2021; that the petitioner has been indicted in the present case on the basis of the

disclosure statement of co-accused, namely, Rajbir and that co-accused, namely, Geeta and Jasbir @ Jasmer, have already been granted the concession of bail. He further submits that, as far as, 01 other case registered against the petitioner is concerned, he has been indicted in the said case on the basis of the 3rd disclosure statement of the co-accused and that the petitioner has been in custody since 09.06.2021.

In support of his contentions, learned counsel for the petitioner relies upon the order passed by a Division Bench of this Court in CRM-M-25433-2015 titled Dharamveer and another vs State of Punjab, decided on 07.10.2015.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel, does not dispute the custody period of the petitioner. He, however, submits that the recovery effected in the present case is a commercial quantity. He further submits post presentation of the challan, charges are yet to be framed and that there are total 24 prosecution witnesses.

I have heard the learned counsel for the parties.

No recovery has been effected from the petitioner, who has been in custody since 09.06.2021. Petitioner has been indicted on the basis of the disclosure statement of the co-accused. Recovery has already been effected. As far as 01 more case is concerned, the petitioner has been indicted in the said case on the basis of the 3rd disclosure statement of the co-accused. Co-accused, namely, Geeta and Jasbir @ Jasmer, have already been enlarged on bail. Prosecution evidence is yet to commence

and there are total 24 prosecution witnesses. In such circumstance, the trial of the case would take a long time to conclude. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

08.03.2022
Aman Jain

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