

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-43158-2022 in/and
CRM-M-50512-2022 (O&M)
Date of Decision:- 30.11.2022

Mohammad Aftab Khan ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Surinder.

GURVINDER SINGH GILL, J. (Oral)

CRM-43158-2022

In view of the reasons mentioned in the application, the same are allowed and the matter is preponed from 2.3.2023 and is taken on Board today itself.

CRM-M-50512-2022 (O&M)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 118, dated 11.5.2018, Police Station Hansi Sadar, District Hisar, under Section 21-C of NDPS Act (Sections 21-B, 27-A, 29 of NDPS Act added later on).
2. Status report by way of affidavit of Sh. Vinod Shankar, Deputy Superintendent of Police, Headquarter Hansi, District Hisar, has been filed. The same is taken on record.

3. As per the case of prosecution, on 11.5.2018 a secret information was received by the police that 4 boys were proceeding in an Innova vehicle bearing registration No.UP-32-CR-7006 from the side of Delhi and that they were carrying a huge quantity of 'Smack' which was to be delivered in the area of Hisar and Hansi. Pursuant to receipt of said information barricading was held and the police was able to intercept the aforesaid Innova vehicle. However, three of the 4 occupants of the said vehicle managed to escape while one was apprehended i.e. the petitioner. A search of the vehicle led to recovery of 3.350 kgs of 'Smack'.
4. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that no report in terms of Section 42 of NDPS Act was ever sent pursuant to receipt of secret information. It has further been submitted that the petitioner enjoys a clean record and has been behind bars since the last more than 4 years.
5. Opposing the petition, learned State counsel submits that since the petitioner was caught red-handed at the spot, his complicity is clearly evident and as such he does not deserve the concession of bail. Learned State counsel has however, not disputed the fact that the petitioner has been behind bars since the last more than 4 years. It has been informed that the petitioner is not involved in any other case and that 18 out of the cited 30 PWs have been examined.
6. This Court has considered the rival submissions.

7. The petitioner certainly is named in the FIR and is stated to be caught at the spot while in possession of 3.350 kgs of ‘Smack’. This Court however, finds that the petitioner has been behind bars for a substantial period of more than 4 years. Conclusion of trial is likely to consume time inasmuch as only 18 out of the cited 30 PWs have been examined. Petitioner otherwise enjoys a clean record. In these circumstances further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.11.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No