

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-1996 of 2023
DATE OF DECISION:-13.02.2023

Viresh Kumar

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manjot Gujral, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.83 dated 05.02.2022 under Sections 20 and 29 of NDPS Act, registered at Police Station City Rohtak, Haryana.

Learned counsel for the petitioner submits that the investigation in the present case was concluded on 30.04.2022 with the filing of *challan* and even after expiry of one year thereafter, charges have not been framed so far. Learned counsel submits that petitioner was apprehended on the basis of disclosure made by the co-accused namely Pardeep. He also submits that no recovery has been effected from the petitioner so as to connect him with the alleged offence, thus, petitioner deserves the concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that petitioner is a supplier as per the statement of co-accused Pardeep and there is one more case of similar nature pending against him in the same police station.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

In the present case, investigation having been completed way back in February, 2022 even the charges have not been framed so far. As per final report, prosecution has cited 16 witnesses and as such, the conclusion of trial is likely to take some time. In view of the fact that the petitioner has been implicated on the basis of disclosure made by one of the co-accused namely Pardeep, in the absence of any recovery having been effected from the petitioner, the evidentiary value and relevance of the disclosure needs to be appreciated during trial which is likely to take some time in view of the fact that charges have not even been framed so far, accordingly, there does not appear to be any justification to extend the incarceration of the petitioner any further, the same being already more than one year by now, the petitioner, thus, deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

10.02.2023.
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No