

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CRM-M-1626-2023 (O&M)

Date of Decision: 02.08.2023

MOHIT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Tejas Bansal, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.88 dated 14.03.2022, registered at Police Station Asaudha, District Jhajjar, under Section 21 of the NDPS Act, the first one having been dismissed on merits vide order dated 29.11.2022.

Learned counsel for the petitioner submits that the alleged recovery effected in the present case is non-commercial in nature; that the petitioner has been in custody 14.03.2022 and that as far as other cases are concerned, in FIR No.133 dated 29.06.2020, the recovery effected was non-commercial quantity and the petitioner is on bail and in FIR No.464 dated 04.08.2020, the petitioner stands discharged.

Per contra, 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 petitioner is a habitual offender and facing other cases as well under the NDPS Act. He

further submits that post framing of the charges, the prosecution evidence is yet to commence and that there are total 18 prosecution witnesses. He, thus, argues that the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.03.2022. In FIR No.133 dated 29.06.2020, the recovery effected was non-commercial quantity and the petitioner is on bail and in FIR No.464 dated 04.08.2020, the petitioner stands discharged. The recovery effected in the present case is non-commercial in nature. Prosecution evidence is yet to commence. In such circumstances, 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 and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

02.08.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*