

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 2158-2023 (O&M)
Date of Decision: 20.01.2023

Deepak Paswan

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Ms. Vasundhara Dalal Anand, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 426 dated 30.10.2022, under Sections 20(b)(ii) of NDPS Act registered at Police Station DLF, Sector 29, District Gurugram who is alleged to have possessed contraband of 511 gram of Charas (Sulfa).

Learned counsel for the petitioner contends that the petitioner is in custody since 30.10.2022. She submits that the petitioner has been falsely implicated in the present case as no recovery has been effected from the conscious possession of the petitioner and even the contraband falls

under the ambit of non-commercial quantity. Learned counsel for the petitioner further submits that the petitioner was just a co-passenger in the vehicle from which the recovery has been effected and claim parity as the co-accused Manchit Gautam has also been granted concession of regular bail by this Court vide order dated 06.01.2023 in CRM-M-60402-2022. She further submits that the challan stands presented and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that that challan stands presented and out of total 14 witnesses none has been examined till date.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 30.10.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since nothing has been recovered from the petitioner and the challan has been presented and the co-accused has been released on bail and trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction

of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

20.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No