

2023:PHHC:054884
225 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3066-2023
Date of Decision: 19.04.2023.

HENRY DIKE **... PETITIONER**
VS.
STATE OF HARYANA **.. RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 614 dated 27.09.2021 under Sections 21-B and 27-A of the NDPS Act and Section 14 of the Foreigners Act registered at Police Station Azad Nagar, District Hisar.
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that the FIR has been registered in pursuance of the recovery of 30 grams of heroin from the possession of co-accused, namely Surender and Sunil. The petitioner has been nominated on the basis of the disclosure statement of co-accused. The petitioner is the foreign national and undertakes to surrender his passport in the trial Court. The petitioner is involved in another case under Section 14 of the Foreigners Act on account of overstay in India. However, he is not involved in any other case under the NDPS Act. Surender and Sunil, co-accused, have been granted regular bail by the learned trial Court. The petitioner is in custody for a period of 01 year, 06 months and 17 days. So far, only 01 out of 15 witnesses have been examined.

4. Learned State counsel has opposed the bail application on the score that the petitioner is a foreign national and he may abscond in the event he is granted bail.
5. The apprehension the learned State counsel stands dispelled as the petitioner has undertaken to deposit the passport in the trial Court. The petitioner has been nominated on the basis of the disclosure statement of the co-accused. Nothing has been recovered in the instant case from the petitioner and he is in custody for a period of 01 year, 06 months and 17 days. The petitioner is not involved in any other case under the NDPS Act and so far, only 01 out of 15 witnesses have been examined. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.
6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate. The petitioner shall also deposit his passport in the Court concerned while submitting bail bonds.

19.04.2023
smriti

(VIVEK PURI)
JUDGE

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