

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3212-2023

DATE OF DECISION: MARCH 2, 2023

MOHAN LAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.

PRESENT: MR. VIRENDER SONI, ADVOCATE FOR THE PETITIONER.
MR. KARAN GARG, AAG, HARYANA.

DEEPAK MANCHANDA, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.142 dated 26.5.2022, under Section 22(C) NDPS Act (Section 29, 61 NDPS Act added later on), Police Sation Sadar Ratia, District Fatehabad.

As per the allegations levelled in the FIR, on 26.5.2022, when SI Mahinder Singh alongwith other police official was going in a Government vehicle from Anti Narcotics Staff, Fatehabad to village Bhirdana, Shekhupur Shotra, Chando Kalan to Bhuna and reached ahead of village Chando Kalan near Rangoe Nala Bridge, one young boy was seen standing alongwith a motorcycle under a Neem tree, who on seeing the police party, sat on his motorcycle, started it and tried to flee. On suspicion, he was apprehended, who on enquiry disclosed his identity as Kuldeep and on search, a black colour polythene bag containing intoxicant tablets was recovered from the plastic tanki attached to the motorcycle of Kuldeep. On these allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the petitioner

has not been named in the FIR and has been implicated on the basis of disclosure statement of co-accused. He further submits that nothing has been recovered from the petitioner and he is in custody since his arrest on 28.5.2022. Learned counsel submits that the challan stands filed on 9.12.2022 and the charges are yet to be framed. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Sube Singh has opposed the aforesaid prayer on the ground that the contraband recovered falls under the category of 'commercial quantity'. However, he has not disputed that the the petitioner was arrayed as an accused on the disclosure statement of his co-accused and nothing has been recovered from him.

Considering the above background, the custody of the petitioner and the fact that the challan stands presented on 9.12.2022, but the charges are yet to be framed, the trial would take considerable time to conclude and further detention of the petitioner may not be necessary for any useful purpose.

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

The petition is allowed.

March 2, 2023
Gulati

(DEEPAK MANCHANDA)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No