

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-4588-2023 (O&M)
Date of decision: 04.05.2023

Raman Kumar Garg

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 4th petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 905 dated 05.12.2019, registered under Sections 21-C, 22-C, 29 of the NDPS Act, at Police Station Assandh, District Karnal.

Learned counsel for the petitioner submits that earlier, the petitioner was granted interim bail on account of non-receipt of FSL report and on receipt of FSL report, he surrendered himself on time. The concession of interim bail was not misused by the petitioner. The petitioner is owner of a medical shop and he has falsely been implicated in the present case. The licence for running the medical shop issued in his name was valid upto 18.10.2019, whereas the FIR was registered on 05.12.2019. The petitioner has been in custody for more than 02 years and 06 months. As far as other

two cases under the NDPS Act are concerned, the petitioner stands acquitted in one case and in another case he was indicted on the disclosure statement and has been enlarged on bail. Out of 15 prosecution witnesses, only 08 have been examined so far.

In support of his case, learned counsel for the petitioner relies upon the orders dated 30.11.2022 and 15.03.2023 rendered by Hon'ble Supreme Court in SLP (Crl.) No.4729/2022 titled as Abu Taher Mandal @ Sentu Vs. The State of West Bengal, and Chet Ram @ Ram Veer Vs. Union of India, respectively.

Learned State counsel, while vehemently opposing the prayer for bail, submits that though the petitioner is owner of the medical shop, but the contraband was supplied to co-accused Harwinder Singh by the petitioner and the recovered contraband falls under the commercial quantity. However, she does not dispute the custody period of the petitioner. She submits that out of 15 prosecution witnesses, 08 have been examined and the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Though the recovery effected in the present case falls under the commercial quantity, but the fact remains that the petitioner is owner of a medical shop and was having a licence, which was valid upto 18.10.2019. The petitioner has been in custody for more than 02 years and 06 months. As far as other two cases are concerned, in one case the petitioner has been acquitted and in another case, he is on bail. The recovery has already been effected. In the judgment relied upon by the petitioner, the accused therein

was also involved in another case under the NDPS Act and has been granted bail in view of the length of custody period by the Hon'ble Supreme Court. Remaining 7 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

04.05.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No