

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.6939 of 2023
Date of decision: 8th May, 2023

Jasmer

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aakash Dalal, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.73 dated 14.03.2021 under Section 20b(iii) C of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Assaudha, District Jhajjar (Haryana).

Learned counsel for the petitioner inter alia submits that the petitioner has been in custody since 14.03.2021 and only 1 out of the 24 prosecution witnesses cited, has been examined till date. While drawing the attention of this Court to the zimni orders, which have been filed and taken on record, learned counsel submits that the trial has been delayed on account of the non-appearance of the prosecution witnesses. He submits that in the circumstances, the petitioner cannot be made to languish in custody as the trial shall take considerable time to conclude.

Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Mohinder, has submitted that the petitioner was nabbed by the investigating agency on the basis of a secret information wherein he had been specifically named. On search, huge recovery of 123.5 kilograms of Ganja Patti was effected from him. Learned State counsel, on further instructions, has submitted that the petitioner was already on bail in two other criminal cases, one under the Excise Act and the other under Section 379 IPC, when he committed the offence in question and hence, it is evident that he had misused the said concession of bail granted to him. Learned State counsel submits that no doubt there has been some delay in conclusion of the trial on account of non-appearance of the prosecution witnesses, however, the next date of hearing fixed before the trial Court is 02.06.2023, when four more prosecution witnesses have been summoned for evidence.

I have heard learned counsel for the parties and perused the relevant material on record.

A huge recovery of 123.5 kilograms of Ganja Patti was effected from the petitioner pursuant to the secret information received, wherein the petitioner was specifically named. It also needs to be observed here that the petitioner was already on bail in two other criminal cases, as already detailed hereinabove, and hence, it is evident that he had misused the said concession of bail. This Court, in the

circumstances, does not deem it fit to grant the concession of bail to the petitioner in the instant case.

Dismissed.

However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 8, 2023
rps

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