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

**CRM-M-8026-2023
Decided on:-20.02.2023**

ChandPetitioner..

vs.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nirmal Singh, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
for respondent-State.

HARKESH MANUJA J. (Oral)

By way of present petition, the petitioner prays for grant of regular bail during pendency of trial in case FIR No.705 dated 27.10.2022, under Section 21 of the NDPS Act, 1985, registered at Police Station Krishna Gate Thanesar, District Kurukshetra.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan on 17.12.2022 and there are 14 witnesses cited by the prosecution, therefore, trial is likely to take some time. He further submits that the quantity recovered in the present case is non-commercial and considering the fact that the petitioner is behind the bars for more than 3½ months now, he deserves the concession of regular bail.

On the other hand, learned State counsel opposes the prayer made in the present petition by submitting that there are six other cases

pending against the petitioner, though not under NDPS Act.

I have heard learned counsel for the parties and gone through the paper book. I find merits in the submissions made on behalf of the petitioner.

Once, the investigation already stands concluded with the filing of challan, trial is likely to take some time as well as considering the fact that the quantity recovered in the present case is non-commercial, there appears to be no justification for extending the incarceration of the petitioner and particularly when there is no case of NDPS Act pending against him. Still further, even as per the law laid down by Hon'ble the Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, 2012(1) RCR (Criminal) 586, for the purpose of grant of concession of regular bail, the allegations levelled against the petitioner in the FIR in question have to be seen primarily, though the antecedents also have relevance.

In view of the above, without expressing any opinion on the merits of the case and in the facts of the present case, the petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

20.02.2023
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(HARKESH MANUJA)
JUDGE

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