

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8289-2023
Decided on:-22.02.2023

Monu @ Monu Sharma @ Akash

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mikhail Kad, Advocate for the petitioner.

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

HARKESH MANUJA J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail during pendency of trial in case FIR No.09 dated 25.01.2021, under Section 22(c), 27-A (Act No.61) of NDPS Act, 1985, registered at Police Station Jakhal and District Fatehabad.

Learned counsel for the petitioner submits that the petitioner is behind the bars for the last more than 2 years now and the investigation in the present case already stands concluded with the filing of challan, however, charges have not been framed so far, thus, the trial is likely to take some time. Hence, he prays for grant of concession of regular bail.

On the other hand, learned State counsel opposes the prayer made in the present petition while submitting that in the present case, recovery is of commercial quantity, besides it, two other cases are pending against the petitioner, though not under the 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.

Considering the facts that the petitioner is already behind the bars for the last more than 02 years now and the investigation in the present case already stands concluded with the filing of challan, the trial is likely to take some time, thus, no useful purpose is going to be served by extending the incarceration of the petitioner, particularly, in view of the fact that the charges have not been framed so far by the trial court. Reliance can be placed upon the law laid down by Hon'ble the Supreme Court in “Special Leave to Appeal (Crl.) No.5530/2022, titled as **“Mohammad Salman Hanif Shaikh vs. The State of Gujrat”**, Special Leave to Appeal (Crl.) No.4173/2022, titled as **“Shariful Islam @ Sarif vs. The State of West Bengal”** and Special Leave to Appeal (Crl.) No.5769/2022, titled as **“Nitish Adhikary @ Bapan vs. The State of West Bengal”**.

As regards pendency of other cases against the petitioner, as a matter of fact neither of the two cases relate to the provisions of NDPS Act. More than that, in both the cases petitioner has already been released on regular bail.

In view of the above, without expressing any opinion on the merits of the case, the present 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.

22.02.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No