

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

CRM-M-9040-2023 (O&M)

Date of Decision: 24.02.2023

SUNIL @ BABBU

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Pawan Attri, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG Haryana.

DEEPAK MANCHANDA J.

The petitioner is seeking regular bail in the case bearing FIR No. 688 dated 04.11.2022 under Sections 21, 27-A, 29, 61 and 85 of NDPS Act registered at Police Station Sadar Thanesar District Kurukshetra.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case as only 10 grams of Heroin has been recovered from the conscious possession of co-accused Raj Kumar @ Raju, which is non-commercial in nature and present petitioner has been involved only on the basis of disclosure statement of aforementioned co-accused and further contended the petitioner is in custody since 25.12.2022 and investigation of the case is complete. He further claims parity with the co-accused Onyekachi Calistus, who has been granted regular bail by the Court of Special/Vacation Judge, Kurukshetra

On the other hand, learned State counsel assisted by ASI Naresh Kumar has opposed the bail application on the score that there is likelihood that petitioner may misuse the concession of bail but cannot dispute the fact that no recovery is effected from the petitioner.

Having heard learned counsel for the parties and gone through the case file, it is significant to note that the petitioner is in custody for a period of appx. 02 months. It is also an admitted position that no recovery has been effected from the petitioner. Investigation of the case has been completed. Conclusion of the trial shall take considerable long time. No useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

24.02.2023
Ajay Goswami

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No