

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-10707-2023
Date of Decision: 13.09.2023

Gopal @ Paalu

...Petitioner

V/S

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Arun Kumar, Advocate
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

DEEPAK MANCHANDA J. Oral

Second petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No.0049 dated 26.02.2021 registered under Section 22(C) of NDPS Act, 1985 (Annexure P-1) at Police Station, Sadar Fatehabad District Fatehabad.

Custody certificate dated 12.09.2023 has been filed by State, which is taken on record.

Brief facts of the case are that on 26.02.2021, the petitioner was found in possession of 940 Tramadol prolonged release tablets IP TRAMWEL-SR 100, 400 Tramadol Hydrochloride tablets 100 mg TREDOL-100 and 190 Tramadol prolonged release tablets IP TRAMANAM-SR 100 total weighing 1 kg 22 grams within the area of Police Station Sadar Fatehabad.

Learned counsel for the petitioner contends that the petitioner is a young boy of 26 years of age and having no criminal antecedents but suddenly got involved in the present case which is registered against the recovery of contraband in commercial quantity and the recovery is from public place and

provision of Section 50 of NDPS Act has not been complied with. The petitioner has been falsely implicated in the present case as there is no specific or cogent evidence, which connects the petitioner from the said recovery apart from the bald statement given by the police officials. The investigation of the police officials has been completed and challan/final report has already been submitted by the police and charges have been framed. Now neither any recovery has to be effected from the petitioner nor any custodial interrogation of the petitioner is required. The petitioner is behind the bars since 26.02.2021 i.e., more than two years and no further custody is required. He further submits that no other case is registered against the petitioner. Therefore, no useful purpose would be served by keeping the petitioner behind the bars and prays for grant of regular bail.

On the other hand, learned State Counsel on instructions from the Investigating Officer has opposed the aforesaid prayer on the ground that out of 19 prosecution witnesses, 11 have already been examined and three witnesses were summoned for 30.09.2023, however, does not dispute that the challan stands presented and the charges have been framed.

I have heard learned counsel for the parties and have gone through the case file minutely.

Keeping in view the aforesaid fact, the trial of the case may conclude shortly as the three prosecution witnesses are to be examined on 30.09.2023. Therefore, no ground is made out to allow the present petition at this stage.

The present petition is hereby dismissed.

(DEEPAK MANCHANDA)
JUDGE

13.09.2023
sapna

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