

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 10640-2023 (O&M)
Date of Decision: 09.03.2023

Sunny

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Tarun Sharma, Advocate for
Mr. Munish Kamboj, Advocate
for the petitioner.

Mr. Bhupender Garg, DAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 149 dated 09.05.2022, under Sections 21 (b) and 29 (added later on) of NDPS Act registered at Police Station Ratia, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner is in custody since 15.05.2022. He submits that the petitioner has been falsely implicated in the present case as the alleged recovery of contraband i.e. 10 gram 20 mg heroin has been effected from one Reena, who suffered a

disclosure statement that she bought the said contraband from the present petitioner and said Reena has also been granted regular bail by the Additional District and Sessions Judge, Fatehabad vide order dated 16.06.2022. He further submits that the petitioner was implicated as an accused merely on the basis of disclosure statement of the co-accused Reena and the alleged recovery of the contraband falls under the ambit of non-commercial category and no other case is pending against the petitioner under the NDPS Act and the challan stands filed as far back as 13.07.2022 and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however does not dispute the fact that the main accused has been granted bail and the challan stands filed though charges are yet to be framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 15.05.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the co-accused from whom the recovery has been effected has been granted bail and the challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning 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 trial Court concerned on the following conditions:-

- 1. *he shall appear before the Court on each and every date of hearing;*
- 2. *he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. *he shall not indulge in any criminal activity;*
- 4. *he shall not leave India without prior permission of the Court.*

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

09.03.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>