

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13024-2023

Decided on:-21.03.2023

Atul @ Ashu

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. V.B. Godara, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

HARKESH MANUJA J.

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.81 dated 29.01.2022, under Section 21(b)/27-A of NDPS Act, 1885, registered at Police Station City Fatehabad, District Fatehabad.

As per the allegations, recovery of 10.25 grams of heroin was jointly effected from the petitioner as well as his co-accused.

Learned counsel for the petitioner submits that though the investigation stands concluded, however, charges have not been framed so far for the past one year, thus, trial is likely to take some time. He further submits that the petitioner is in custody for the last more than one year now and there is no purpose for extending his incarceration, thus, prays for grant of concession of regular bail.

On the other hand, learned State counsel vehemently opposes the prayer made in the present petition on the ground that one more case

under the NDPS Act was registered against the petitioner, however, admittedly, the petitioner is on bail in the said case.

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.

Admittedly, one more case under NDPS Act was registered against the petitioner, but in that case, he has already been granted the concession of bail and that too, pertained to non-commercial quantity.

Considering the fact that the petitioner is already behind the bars for the last more than 1 year now, charges have not been framed even after the expiry of conclusion of investigation long back, and the trial is likely to take some time, besides it, recovery being non-commercial, no useful purpose is going to be served by extending his incarceration any further.

In view of the above and 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.

21.03.2023

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No