

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 13150-2023 (O&M)
Date of Decision: 21.03.2023

Raj Kumar alias Raju

... Petitioner

V/s.

State of Haryana

... Respondent

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

Present : Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 688 dated 04.11.2022, under Sections 21, 27 (A), 29 NDPS Act registered at Police Station Sadar Thanesar, District Kurukshetra, who is alleged to have possessed contraband of 10 grams of heroin.

Learned counsel for the petitioner contends that the petitioner is in custody since 04.11.2022. He submits that the petitioner has been

falsely implicated in the present case as the petitioner has been nominated

only on the basis of secret information and the alleged recovery comes under the ambit of non-commercial quantity. He claims parity on the ground that one co-accused namely Onyekachi Calistus has been allowed regular bail by the trial Court (Annexure P-1) and other co-accused namely Sunil alias Babbu has also been granted regular bail by this Court (Annexure P-2) and that no other case is pending against the petitioner under the NDPS Act and the challan stands presented though charges are yet to be framed and FSL report is still awaited 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 he does not dispute the fact that the other co-accused have already been granted concession of bail and the challan stands presented though charges are yet to be framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 04.11.2022.

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 alleged recovery falls under the ambit of non-commercial category and the co-accused have already been granted bail and the challan stands presented though charges are yet to be framed 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.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

21.03.2023
seema

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