

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

**CRM-M No.13088 of 2023**  
Date of decision: 21<sup>st</sup> March, 2023

Sachin

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.  
Mr. Chetan Sharma, Assistant Advocate General, Haryana  
for the respondent/State.

**MANJARI NEHRU KAUL, J. (ORAL)**

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.15 dated 28.01.2023 under Sections 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner inter alia submits that the petitioner has clean antecedents and has been falsely implicated in the case in hand for being allegedly found in possession of 12 grams of Smack while he along with co-accused, were traveling in a car. Learned counsel submits that even the alleged recovery of 12 grams of Smack (non commercial) was not effected from the conscious possession of the petitioner but from underneath the driver's seat of the car. He submits that the petitioner has now been in custody since 28.01.2023

and there is no likelihood of the trial concluding in the near future. A prayer has therefore been made for grant of concession of regular bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Sachin has not been able to dispute that the petitioner is not involved in any other criminal case, much less under the NDPS Act. He, on further instructions, has also not disputed that the alleged recovery i.e. 12 grams of Smack was not effected from the person of the petitioner but from underneath the driver's seat of the car in which he was traveling. On a pointed query put to the learned State counsel as to whether the car, in which the petitioner was traveling, was owned by him, he has replied in the negative.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 28.01.2023 and there is no likelihood of the trial concluding in the near future since challan has not been filed yet and is likely to be presented in the near future. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add here that in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)  
JUDGE

March 21, 2023

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |