

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213) CRM-M-14607 of 2023 (O&M)
DATE OF DECISION:-28.03.2023

Sunny @ Tinda ...Petitioner

vs.

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aakash Juneja, Advocate, for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.04 dated 05.01.2019 (Annexure P-1) under Sections 21(b), 27-A/61/85 of NDPS Act & 25 of Arms Act, registered at Police Station City, Ratia District Fatehabad.

As per allegations levelled in the FIR, recovery of 11.19 gram heroin, was allegedly made from Pawan and Ravi, besides, the recovery of a single live cartridge. Learned counsel for the petitioner submits that the petitioner was never named in the FIR, however, he was implicated on the basis of disclosure statement made by aforesaid two co-accuseds. Learned counsel also submits that recovery in the present case is of non-commercial quantity and the petitioner has already suffered incarceration for a period of 5 months. Learned counsel further submits that *challan* in the present case already stands filed and total 19 witnesses have been cited by the prosecution and as such, conclusion of the trial is likely to take some time.

On the other hand, learned State counsel opposes the prayer made herein while submitting that there are other cases pending against the petitioner, though, none of the said case is under NDPS Act.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

In the present case, petitioner has already suffered incarceration for a period of 5 months and investigation already stands concluded with the filing of *challan* and as such, conclusion of the trial is likely to take some time. Considering the fact that recovery in the present case is of non-commercial quantity and the petitioner was implicated on the basis of disclosure made by the co-accused, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

28.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No