

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.15683 of 2023

Date of decision: 12<sup>th</sup> April, 2023

Puneet & another

... Petitioners

Versus

State of Haryana

... Respondent

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

Present: Mr. G.S. Sawhney, Advocate for the petitioners.  
Mr. Rahul Mohan, Dy. 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.26 dated 20.01.2023 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sector 6, District Bahadurgarh, Haryana.

As per the allegations levelled in the FIR, which has been annexed as Annexure P-1, the petitioners were apprehended on the basis of a secret information and recovery of 2 kgs and 700 grams of Ganja Patti (non-commercial quantity) was effected from them. Learned counsel for the petitioners inter alia contends that the petitioners have been falsely implicated in the case in hand, which fact

finds further credence from the fact that the investigating officer as well as the recovery officer of the alleged recovered contraband were the same. Learned counsel further submits that the petitioners have clean antecedents as they are not involved in any other criminal case. A prayer has therefore been made to enlarge the petitioners on bail as there is no likelihood of the trial concluding in the near future since the prosecution evidence has not yet commenced and as many as 15 prosecution witnesses have been cited by the prosecution.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Sohan has not been able dispute that a recovery of 2 kgs and 700 grams of Ganja Patti was effected from the petitioners. It has also not been controverted by the learned State counsel that the petitioners are not involved in any other criminal case much less under the NDPS Act. Learned State counsel, on further instructions, has apprised the Court that challan was presented on 16.03.2023 and the next date of hearing before the trial Court is 13.04.2023 when charges are likely to be framed.

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

In the facts and circumstances, as enumerated hereinabove, coupled with the fact that the trial will take considerable time to conclude, this Court deems it fit to extend the concession of regular bail

to the petitioners, who were allegedly apprehended with 2 kgs and 700 grams of Ganja Patti (non-commercial quantity). The petition as such is allowed and the petitioners are 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.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**April 12, 2023**  
*rps*

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