

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M-16690-2023 (O&M)

Date of Decision: 07.08.2023

HARISH KUMAR @ HAPPY

... Petitioner

Versus

UNION OF INDIA THROUGH ITS INTELLIGENCE OFFICER NCB
CHANDIGARH (UT)

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. SS Rana, Advocate
for the petitioner.

Ms. Gurmeet Kaur Gill, Senior Panel counsel,
for the respondent-NCB.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing Crime No.51 dated 04.08.2021, registered at Police Station NCB, Chandigarh, under Sections 8, 20, 28, 29, 60 and 61 NDPS Act, 1985, the first one having been dismissed vide order dated 31.10.2022.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has been indicted in the present case on the disclosure statement of co-accused, Sher Singh; that no recovery was effected from the petitioner and that the petitioner has been in custody since 08.08.2021. He further submits that out of total 14 prosecution witnesses, only 3 have been examined so far and that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned counsel for the respondent-NCB does not dispute the custody period of the petitioner. She, however, submits that on a raid been conducted, the contraband in question was recovered from the co-accused and the same was to be delivered/supplied to the petitioner and that the recovery of commercial quantity effected in the present case, is hit by the bar contained in Section 37 of the NDPS Act. She further submits that as per the call details, the petitioner and with co-accused were in regular touch and that the material prosecution witnesses are yet to be examined and thus, the petitioner be not granted the concession of bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.08.2021. There is no other case registered and/or pending against the petitioner. The petitioner was indicted on the basis of the disclosure statement of co-accused. No recovery was effected from the petitioner. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

07.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No