

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

205

CRM-M-17213-2023

Date of Decision :25.05.2023

Baljeet Singh**..Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Navkiran Singh, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. Custody certificate as well as the status report dated 16.05.2023 filed by the learned State counsel is taken on record.
2. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.923 dated 02.12.2020 registered under Sections 18, 61, 85 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Karnal, District Karnal.
3. Learned counsel for the petitioner argues that the petitioner is behind the bars for the last 02 years, 05 months and 10 days whereas, out of the total 27 cited witnesses only 05 witnesses have been examined so far and trial is likely to take some time before it concludes hence, the petitioner may kindly be granted the concession of regular bail especially, when it is a conceded position that no banned substance was recovered from the

petitioner.

4. Learned State counsel by placing reliance upon status report dated 16.05.2023 filed by the Deputy Superintendent of Police, Karnal submits that though, opium was recovered from the accused Suba Singh and no banned substance was recovered from the petitioner but as there was exchange of calls between the two co-accused, it can be inferred that opium seized was transported in connivance of both the co-accused.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that in the present case, it is a conceded position that no recovery of banned substance was done from the petitioner. It is also a conceded position that the petitioner is not involved in any other case. The only plea of the State is that keeping in view the calls exchanged between the two co-accused, there is likelihood that the banned drug was transported in connivance with each other however, the said factum is yet to be proved during the course of trial.

7. Keeping in view the facts noticed hereinbefore coupled with the fact that the petitioner is behind the bars for the last more than two years and 05 months and out of the total 27 cited witnesses, only 05 witnesses have been examined and trial is likely to take some time before it concludes, the petitioner has made out a case for the grant of concession of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded, in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

8. Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.
9. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 25, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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