

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

CRM-M-17195-2023

Date of Decision: April 19, 2023

SUMIT@MITTA

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pratham Sethi, Advocate and
Mr. Pawan K. Garg, Advocate for petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition, prayer has been made for grant of regular bail pending trial in case FIR No.371 dated 14.09.2022 under Sections 20 and 29 of NDPS Act, 1985 registered at Police Station Beri, District Jhajjar.

As per allegations levelled against petitioner, based on disclosure statement made by co-accused Sanjay, the petitioner requisitioned around 300 kgs of ganja from a person namely Kiran Pawar.

Learned counsel for petitioner submits that the petitioner has never been named in FIR nor he was apprehended at spot but was implicated on the basis of disclosure made by co-accused Sanjay. He further submits that investigation already stands concluded with the filing of challan on 10.03.2023 followed by framing of charge on 18.04.2023 and has suffered incarceration for a period of 7 months by now. He points out that the trial is likely to take some time as there are 31 total witnesses cited by prosecution.

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On the other hand, prayer made herein has been opposed by learned State counsel on instructions from ASI Parveen Kumar, P.S. Beri, while pointing out the quantity of psychotropic substances recovered from the petitioner besides the allegation levelled in the FIR.

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

Considering the fact that investigation already stands concluded followed by framing of charges and the petitioner having suffered incarceration for a period of 7 months now, there being no other case of NDPS pending against him, besides, he having been implicated on the basis of disclosure made by the co-accused Sanjay and the veracity thereof yet to be scrutinized during trial, I do not see any reason to extend the incarceration of the petitioner.

Without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

19.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>