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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18233-2022 (O&M)
Date of Decision: 11.01.2023

Ashwani Gupta @ Jonny

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Robin Singh Hooda, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.50 dated 08.04.2019 registered under Section 15 NDPS Act, 1985 (Sections 25 and 29 NDPS Act added later on) at Police Station Shahzadpur, District Ambala. The petitioner is in custody since his arrest on 08.04.2019.

As per the allegations in the FIR, on 08.04.2019, the police party received a secret information that a Tata Super Ace bearing registration No.HR-37-D-0485 loaded with heavy quantity of poppy husk would be coming from the side of Patwi and Karambir @ Kala, Rinku Rana @ Jonny and Ashwani Gupta @ Jonny are involved in the supply of narcotics. The vehicle was intercepted by the police officials, who arrested two persons Karambir and Ashwani, whereas the person sitting at the back side of the vehicle escaped from the spot and his name was disclosed as Rinku Rana by the co-accused. Upon search of the vehicle, 13 plastic bags containing 40 kgs. each of poppy husk were recovered from the said

vehicle.

Learned counsel for the petitioner has argued that this Court has recently granted bail to the similarly situated co-accused, namely, Karambir Singh @ Kala, vide order dated 10.01.2023 and the case of the petitioner is also at par with him. It is pointed out that the other co-accused have also been released on bail. He submits that the petitioner is in custody for more than 3½ years, but the trial is yet to commence, as no prosecution witness has been examined so far. He prays for regular bail.

Learned State counsel, assisted by ASI Baldev Raj, has opposed the prayer on the ground that the recovered quantity is commercial in nature as per the provisions of NDPS Act, but does not dispute this fact that the trial is yet to commence, as the charges were framed on 04.02.2021, but till date no prosecution witness has been examined out of total twenty nine witnesses. Learned State counsel fairly states that the case of the petitioner is at par with the co-accused Karambir Singh @ Kala.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 04.02.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the similarly situated co-accused of the petitioner has been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

11.01.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No