

CRM-M- 17631-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 17631-2023 (O&M)

Date of Decision: 20.04.2023

Kala alias Karanjeet Singh

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Gurinder Singh Goraya, Advocate
for the petitioner.
Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 218 dated 19.08.2022, under Section 15(c), 27-A and 29 NDPS Act registered at Police Station Guhla, District Kaithal, who is alleged to have supplied contraband of 56 kg of poppy husk.

Learned counsel for the petitioner contends that the petitioner is in custody since 11.09.2022. He submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by one Balinder Singh, from whom the alleged recovery has been effected and the petitioner is alleged to have supplied the said contraband. Learned counsel for the petitioner contends that the recovery is marginally above the commercial quantity and has not even been effected from the conscious possession of the petitioner and the petitioner has clean

antecedents. He further submits that the challan stands presented and the charges have been framed and out of total 21 witnesses, none has been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting the offence alleged against the petitioner is serious in nature, however does not dispute that the challan stands filed and charges have been framed and there is no other case pending against the petitioner under NDPS Act.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 11.09.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and the charges have been framed and the petitioner has clean antecedents and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

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 on the following conditions:-

- 1. he shall appear before the Court on each and every date of hearing;*
- 2. he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. he shall not indulge in any criminal activity;*

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed.

(DEEPAK MANCHANDA)

JUDGE

20.04.2023

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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No