

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17672 of 2023
Date of decision: 20th April, 2023

Ram Sagar
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurbir S. Sidhu, Advocate for the petitioner.
Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.16 dated 28.01.2023 under Section 17-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, ‘the Act’) registered at Police Station Industrial Area, District Bhiwani.

Learned counsel for the petitioner inter alia submits that a false case has been planted upon the petitioner for having been found in possession of 262 grams of Opium (non-commercial quantity). He submits that the mandatory provisions of Section 50 of the Act were not complied with in the case in hand, which yet again points to a false recovery having been planted upon the petitioner. It has also been submitted that the petitioner has clean antecedents inasmuch as he is

not involved in any other criminal case much less under the NDPS Act. Learned counsel, therefore, prays that since investigation is complete and charges are likely to be framed on the next date of hearing i.e. 15.05.2023, there is no likelihood of the trial concluding in the near future, more so since 18 prosecution witnesses have been cited by the investigating agency. He submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Vinod has not been able to controvert that the petitioner is not involved in any other criminal case much less under the NDPS Act. He has also not been able to dispute that the alleged recovery effected from the petitioner does not fall under the commercial quantity. However, learned State counsel submits that it was pursuant to a secret information that the petitioner was apprehended by the investigating agency and thereafter, the aforesaid recovery effected from him.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 28.01.2023 and the trial shall take considerable time to conclude as charges have not yet been framed. The petitioner is not stated to be involved in any other criminal case. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of

bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add here that in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

April 20, 2023
rps

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