

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

CRM-M-20958-2023

Decided on:-03.05.2023

Inder Deep Singh @ Mannu

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Himani, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.19 dated 28.01.2023, under Section 15 of the NDPS Act, 1985 (Section 27-A of NDPS Act added later on), registered at Police Station City Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner submits that the petitioner was implicated on the basis of disclosure statement made by co-accused Malkiat Singh from whom 19 kg of Poppy husk was recovered, who has already been granted the concession of regular bail by this Court vide order dated 20.04.2023 passed in CRM-M-17471-2023 being recovery of non-commercial quantity.

3. Learned counsel for the petitioner further submits that the petitioner is in custody for the last more than 2 months now and the investigation in the present case already stands concluded, with the filing of

challan on 16.03.2023 and the trial is likely to take some time. She also submits that there is no other case under NDPS Act, registered against the petitioner and no recovery has been effected from him.

4. On the other hand learned State counsel opposes the prayer made on behalf of the petitioner and prays for dismissal of the present petition.

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

6. Considering the fact that no recovery has been effected from the petitioner and no other case under NDPS Act is registered against him, besides the fact that the investigation in the present case already stands concluded with the filing of challan, trial is likely to take some time, there does not appear to be any justification to extend the incarceration of the petitioner any further, who is behind the bars for the last 2 months now. More than that, the co-accused Malkiat Singh from whom 19 kg of Poppy husk was recovered, has already been granted the concession of regular bail by this Court vide order dated 20.04.2023 passed in CRM-M-17471-2023.

7. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

03.05.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No