

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

CRM-M-21039-2023

Decided on:-03.05.2023

Vikas

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Satbir Singh Kanwar, 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., the petitioner prays for grant of regular bail during pendency of trial in case FIR No.54 dated 24.02.2021, under Section 20 of NDPS Act, 1985, registered at Police Station Beri, District Jhajjar.

2. As per the allegations levelled in the FIR, 2 kg 638 grams of *charas* was recovered from the dashboard of car bearing registration No.HR-26-AT-9788, in which, the petitioner was sitting on the backseat.

3. Learned counsel for the petitioner submits that petitioner is behind the bars for the last 2 years and 02 months and the investigation in the present case already stands concluded with the filing of challan and trial is likely to take some time as 13 witnesses have been examined out of total of 19 witnesses cited by the prosecution. He also places reliance upon order dated 28.03.2023 passed by this Court in CRM-M-12708-2023, titled as

"Vikas @ Dhillu vs. State of Haryana", wherein co-accused, namely Vikas

@ Dhillu has already been granted the concession of regular bail.

4. On the other hand, learned State counsel vehemently opposes the prayer made in the present petition on the ground that recovery is of huge quantity and the petitioner was apprehended at the spot.

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

6. Considering the fact that the petitioner has already suffered incarceration for a period of 02 years and two months now and the investigation in the present case already stands concluded with the filing of challan and trial likely to take time as only 13 witnesses having been examined out of total of 19 as cited by the prosecution, besides, he being not involved in any other case of similar nature and the co-accused of the petitioner, namely Vikas @ Dhillu has already been granted the concession of regular bail by this Court vide order dated 28.03.2023 passed in CRM-M-12708-2023, I do not find any reason to extend his incarceration any further. Reliance can be placed upon the law laid down by Hon'ble the Supreme Court in "Special Leave to Appeal (Crl.) No.5530/2022, titled as ***"Mohammad Salman Hanif Shaikh vs. The State of Gujrat"***, Special Leave to Appeal (Crl.) No.4173/2022, titled as ***"Shariful Islam @ Sarif vs. The State of West Bengal"*** and Special Leave to Appeal (Crl.) No.5769/2022, titled as ***"Nitish Adhikary @ Bapan vs. The State of West Bengal"***.

7. In view of the above and without expressing any opinion on the merits of the case, the present petition is allowed. 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