

CRM-M- 23200-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 23200-2023 (O&M)

Date of Decision: 24.05.2023

Shambhu Sharma

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Abhimanyu Singh, 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. 319 dated 30.10.2021, under Sections 20 (b)(ii) and later on added Sections 27(a), 29 of NDPS Act registered at Police Station Sadar Charkhi, District Charkhi Dadri, Haryana, who is alleged to have delivered the alleged recovery of contraband i.e. 40 kg charas effected from the co-accused.

Learned counsel for the petitioner contends that the petitioner is in custody since 22.11.2022. He submits that the petitioner has been falsely implicated in the present case as he has been nominated as an accused on the basis of disclosure statement made by the co-accused Sombir on 02.11.2021. It is also argued that the alleged recovery of contraband to the tune of 13 kg 410g Charas from Sombir and to the tune of 6 kg Charas

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from Satyawar has already been effected and nothing is to be recovered from the petitioner herein. He further submits that the challan stands presented and the charges have been framed and out of total 26 prosecution witnesses only 01 has been examined till date. He further submits that there is no other case pending against the petitioner except the present case and the conclusion of trial will take sufficient time, therefore, prayer is made for the petitioner to be enlarged on bail.

Reply has been filed by the respondent-State, which is taken on record. Even though 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 that the offence alleged against the petitioner is serious in nature, however, he does not dispute the fact that challan stands presented and nothing was recovered from the petitioner.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 22.11.2022.

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 nothing is to be recovered from the petitioner and the challan stands presented and there is no other case pending against the petitioner under the NDPS Act and out of total 25 witnesses only 01 has been examined till date 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

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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.*

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the district furnish the bonds.

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 accordingly.

(DEEPAK MANCHANDA)
JUDGE

24.05.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>