

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

206

CRM-M-23551-2023

Date of decision: 15th May, 2023

Rajesh Kumar

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Raj Kumar Malik, Advocate for
Ms. Garima Sharma, Advocate for the petitioner.
Mr. Sharad Aggarwal, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This third petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 0267 dated 09.08.2019 under Section 20 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, the NDPS Act) registered at Police Station Naraingarh, Ambala, Haryana.
2. On 9.8.2019, the police party acting upon the information received, checked the car driven by Rajesh (petitioner) and recovered 1.5kg of *charas*.
3. First petition was dismissed on 8.9.2021. The second petition was withdrawn on 13.12.2022 in view of the statement made by learned State Counsel that an earnest effort would be made to examine remaining prosecution witnesses within four months from the date fixed.
4. Learned counsel for the petitioner submits that the petitioner is in custody since 9.8.2019 and the trial is not progressing. He further submits that no case is pending against the petitioner under the NDPS Act.
5. Learned State Counsel on instructions fairly submits that out of

nineteen prosecution witnesses, only four have been examined. He is not in a position to dispute the fact that petitioner is not involved in any other case under the NDPS Act.

6. It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

7. The petitioner is in custody since 9.8.2019. In spite of a statement made by learned State Counsel before this Court on 13.12.2022, there is no progress in the trial. Four witnesses were examined before 13.12.2022, similar is the position today. The Supreme Court in similar circumstances granted bail in *SLP (Crl.) No. 6690 of 2022-Dheeraj Kumar Shukla vs. The State of Uttar Pradesh*, decided on 25.1.2023 and in *SLP (Crl.) No. 1166 of 2023 Chet Ram @ Ram Veer vs. Union of India* decided on 15.3.2023.

8. Having conspectuous of the facts, custody period and that there is no substantial progress in the trial, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

9. The petition is allowed.

10. Since the main case has been allowed, the pending application(s), if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

15th May, 2023

anuradha

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No