

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

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CRM-M-23554-2023

Date of decision: 15.05.2023

JAWAHAR YADAV ALIAS JAMAHIR**...Petitioner****VERSUS****STATE OF HARYANA****...Respondent****CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr.V.B. Godara, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.8 dated 11.01.2023 under Sections 18B/27-A/29 of NDPS Act, 1985, registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case. It is alleged that petitioner is nominated on the disclosure statement of co-accused, namely, Suresh Yadav, Virender Kumar and Umesh Kumar and recovery of the alleged contraband of 2 kilograms 35 grams of opium has already been recovered from the hands of co-accused Virender Kumar, which is of non-commercial quantity. He further submits that the petitioner is in custody since 21.01.2023 and he is involved in 03 other cases, wherein, in 02 cases the petitioner has been acquitted of the charges and in one case he is on bail.

He also submits that bail applied by the petitioner has wrongly been dismissed by the the Additional Sessions Judge, Fatehabad vide order dated 03.04.2023 (Annexure P-2) without any justifying reason. Learned counsel contends that challan stands presented, charges are yet to be framed and out of total 16 prosecution witnesses, none has been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

On the other hand, learned State counsel assisted by SI Rakesh Kumar has opposed the aforesaid prayer on the ground that allegations levelled against the petitioner are serious in nature as the petitioner has supplied the opium to the co-accused and submits that other 03 cases are also pending against the petitioner under NDPS Act. However, he has not disputed the fact that challan has been presented but charges are yet to be framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 21.01.2023.

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 the investigation has already been completed, challan stands presented, charges are yet to be framed and out of total 16 prosecution witnesses, no witness has been examined till date and keeping in view 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 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.

The petition is allowed.

May 15, 2023
nisha-II

(DEEPAK MANCHANDA)
JUDGE

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