

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24081-2023

Date of Decision: May 18, 2023

RAM CHANDER @ RAMU

..... Petitioner

Versus

STATE OF HARYANA

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurnoor Singh Sethi, Advocate and
Mr. Yajur Sharma, Advocate for the petitioner.
Mr. Gaurav Bansal, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of bail pending trial in case FIR No.0152 dated 21.04.2022 registered under Section 15 NDPS Act, 1985 (later on offence under Section 27(A), 29 NDPS At and 379, 411 and 472 IPC were added) at P.S. City Mandi, Dabwali, Sirsa, Haryana.

2. As per the allegations, the FIR in question was registered against alleged recovery of 518 Kg of Poppy Husk and the petitioner was implicated on the basis of disclosure made by co-accused Deep Singh followed by his arrest on 30.09.2022.

3. Learned counsel for petitioner submits that petitioner has already suffered incarceration for a period of more than seven and a half months whereas the other co-accused namely Sukhjinder Singh and Ajju @ Ajay who were specifically named in the FIR have already been granted concession of regular bail vide orders dated 16.05.2023 passed in CRM-M-23739-2023 and 04.05.2023 passed in CRM-M-21561-2023 respectively. He further submits that in the present case the investigation has been concluded with the filing of challan, however, charges have not been framed so far and there are 35 witnesses as cited by the prosecution, thus the trial is likely to take some time

4. On the other hand, learned State counsel vehemently opposes the prayer while referring to the antecedents of the petitioner who allegedly is

CRM-M-24081-2023

involved in four other cases of NDPS, though all based on disclosure made by co-accused therein.

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

6. In the present case, the petitioner has been implicated on the basis of disclosure made by co-accused and he has already suffered incarceration for a period of seven and half months whereas the other co-accused who were specifically named in FIR i.e. Sukhjinder Singh and Ajju @ Ajay have already been granted concession of regular bail by this Court vide orders dated 16.05.2023 passed in CRM-M-23739-2023 and dated 04.05.2023 passed in CRM-M-21561-2023 respectively and the trial is likely to take some time as post conclusion of investigation, the evidence of prosecution is yet to start. As regards the other cases of NDPS pending against the petitioner, as per the information provided by learned State counsel, in all other cases the petitioner has been implicated on the basis of disclosure made by co-accused and no recovery was effected from him, as such considering the allegations against the petitioner in the present petition, I do not find any justified reason to extend the incarceration of the petitioner.

7. In view of the above, without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

18.05.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No