

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

220

CRM-M-23710-2023

Date of decision: 17.05.2023

UMESH KUMAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Amit Chaudhary, 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 18, 27-A, 29 and 19(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is alleged that on 11.01.2023, police party holding a naka/barricading upon receiving a secret information and apprehended the petitioner and co-accused, namely, Suresh Yadav and Virender Kumar Yadav and recovery of 02 KG 35 grams of opium has been recovered from the possession of co-accused, namely, Virender Kumar Yadav, which falls under the non-commercial quantity. The petitioner is in custody since 11.01.2023 and no other case is pending against the petitioner. Learned counsel for the petitioner submits that investigation has already been concluded, wherein, challan stands presented on 11.03.2023, charges are yet to be framed and there are total 16

prosecution witnesses, which are cited and conclusion of the 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. However, he has not disputed the fact that the alleged recovery falls under the non-commercial quantity and challan stands presented, charges are yet to be framed and out of total 16 prosecution witnesses, none has been examined.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 11.01.2023.

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 on 11.03.2023, charges are yet to be framed and there are total 16 prosecution witnesses, which have been cited, 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 17, 2023

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(DEEPAK MANCHANDA)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No