

2023:PHHC:083102

CRM-M-28659 of 2023
Date of Decision: July 03, 2023

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

This is the second petition filed under Section 439 Cr.P.C for grant of regular bail in case FIR No.308 dated 17.05.2016 registered under Section 27(A) of NDPS Act at Police Station Rattia, District Fatehabad.

Earlier petition was rejected by this Court on 16.01.2023 vide Annexure P.8 after observing that case had already reached at the stage of recording of the statement under Section 313 Cr.P.C and also after noting his criminal antecedents.

Learned counsel has drawn attention towards order dated 30.01.2023 passed by the learned trial Court revealing that an application under Section 311 Cr.P.C moved by the prosecution was allowed and as many as eight witnesses have been directed to be re-examined, which is likely to delay the trial.

Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts
notice on behalf of the respondent- State.

Learned State Counsel has opposed the bail petition by pointing out towards the criminal antecedents of the petitioner as disclosed in the custody certificate placed on record.

Allegations as per FIR are that 10 grams of heroin was recovered from the conscious possession of co-accused Sumit. Admittedly, this is non-commercial quantity. Attribution to the petitioner is that he had supplied the contraband to the co-accused as per his disclosure statement.

As per the custody certificate placed on record, petitioner is in custody for the last 04 years 09 months and 08 days.

Although petitioner was earlier declared proclaimed offender in this case but having regard to the nature of allegations against him and the period of custody already undergone by him and also the fact that trial is likely to be delayed due to allowing of the application under Section 311 Cr.P.C, but without commenting anything further on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/ Duty Magistrate concerned.

Disposed of.

July 03, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No