

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-27687-2023

Date of decision: 11.08.2023

Gagan @ Gagan Chitkara

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Balvinder Sangwan, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.501 dated 06.12.2022 under Sections 22B, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station NIT Faridabad.

2. Learned counsel for the petitioner submits that after the petitioner was arrested on 06.12.2022 allegedly with 25 injections of pentazocine the trial had not made much headway as the prosecution evidence was yet to commence. He submits that the petitioner has clean antecedents as he is not involved in any other case under the NDPS Act. Still further, there is no likelihood of the trial concluding in the near future.

3. Per contra, Learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that a secret information was received wherein the petitioner was

specifically named. Thereafter, the petitioner was apprehended along with recovered contraband while he was riding a motorcycle. Learned State counsel has, however, controverted the submissions made by the counsel opposite qua his antecedents. He on instructions, submits that though the petitioner is not involved in any other case under the NDPS Act, however, he is involved in two other cases bearing FIR No.30 dated 25.01.2016 under Sections 148, 149, 323, 325, 452 and 506 of the IPC registered at Police Station Kotwali, Faridabad and FIR No.272 dated 21.06.2018 under Sections 323, 506, 509 and 34 of the IPC registered at Police Station NIT Faridabad. He has, on further instructions, informed the Court that the next date fixed before the Trial Court is 02.11.2023 when the prosecution evidence is likely to commence.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody for more than 08 months having been arrested on 06.12.2022. After the charges were framed, none of the 17 prosecution witnesses have been examined and the prosecution evidence is likely to commence on 02.11.2023. The recovered contraband i.e. 25 injections of pentazocine measuring 25 grams is just 05 grams more than the small quantity classified under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed

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hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

11.08.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No