

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CRM-M-28055-2023 (O&M)

Date of Decision: 17.08.2023

RAJPAL ALIAS PALA RAM ALIAS PALA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.617 dated 27.12.2022, under Sections 15(b) and 27-A of the NDPS Act, at Police Station City Tohana, District Fatehabad.

Status report by way of an affidavit dated 13.07.2023 of the Deputy Superintendent of Police, Tohana, District Fatehabad, filed on behalf of the respondent-State, in the Registry, is taken on record. Copy whereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not arrested at the spot; that the alleged recovery effected from the petitioner's house is non-commercial quantity; that there is no other case registered and/or pending against the petitioner, at least of a similar nature; that the co-accused has already been granted interim protection

and that the petitioner has been in custody since 04.03.2023. He further submits that the prosecution witnesses are yet to be examined.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that the prosecution witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.03.2023. The petitioner was not arrested at the spot. The recovery effected from the house of the petitioner is non-commercial quantity. There is no other case registered and/or pending against the petitioner, at least of a similar nature. Co-accused has already been granted interim protection. Prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

17.08.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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