

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-29840-2022

Date of decision: 27.07.2023

Ajay Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Satnam Singh Gill, Advocate
for the petitioner.

Ms. Jasleen Chahal, 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.150 dated 29.05.2021 under Sections 18B/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Cheeka, District Kaithal.

2. Status report by way of affidavit of Sunil Kumar, HPS, Deputy Superintendent of Police, Guhla, on behalf of the respondent-State has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that the petitioner's false implication in the case in hand is evident from the fact that on the same day i.e. 29.05.2021 he was nominated as an accused under Section 29 of the NDPS Act in another case. Learned counsel submits that even otherwise the petitioner has been in custody since

29.05.2021 and there is no likelihood of the trial concluding in the near future as 17 prosecution witnesses still remain to be examined and the next date fixed before the Trial Court is 14.09.2023. He submits that recovery allegedly effected from the petitioner of 2 kg 500 gms of opium does not fall within the commercial quantity and is marginally less than the commercial quantity. It has also been submitted that similarly situated co-accused who too were allegedly accompanying the petitioner when the alleged recovery was effected had since been extended the concession of bail by a Coordinate Bench of this Court vide order dated 17.11.2021.

4. Learned counsel has further submitted that the petitioner no doubt was involved in another case under the NDPS Act i.e. FIR No.313 dated 29.05.2021 under Section 18/29 of the NDPS Act registered at Police Station Shahbad, District Kurukshetra, however, it was a matter of record that he had since been enlarged on bail by this Court vide order dated 11.05.2022.

5. Per contra, learned State counsel on instructions has not been able to dispute that similarly situated co-accused Ramjeet Singh and Harbans Singh had indeed been extended the concession of bail vide order dated 17.11.2021 and has also not been able to dispute that the petitioner has since been extended the concession of bail in the other case which stands registered against him under the NDPS Act. She, however, submits that the petitioner cannot seek parity with the other two co-accused because admittedly they were not involved in any other case.

6. I have heard learned counsel for the parties and perused the

material placed on record.

7. The petitioner has been in custody since 29.05.2021 and as not disputed by the learned State counsel only 01 prosecution witness out of the 17 cited has been examined till date after the charges were framed on 20.09.2022. In the circumstances, there is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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

9. 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.

27.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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