

CRM-M-29509 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29509 of 2022

Date of decision: 1st March, 2023

Raj Kumar @ Raju

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S. K. Garg Narwana, Senior Advocate with
Mr. Karamvir Saini, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This is second petition seeking regular bail in FIR No. 418 dated 26.8.2020, under Section 22(c) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station City Fatehabad, District Fatehabad.

The earlier petition was dismissed as withdrawn.

The brief facts are that on 26.8.2020 during routine checking, the police party apprehended the petitioner and recovered five hundred Clovidol-100 SR tablets and thirteen bottles of Wincirex (cough syrup). The weight of the tablets was 203 grams (non-commercial) and the cough syrup weighed 1794 grams.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 29.8.2020, he is not involved in any other case under the Act and there is no headway in the trial as only two out of

eighteen prosecution witnesses have been examined. He relies upon the decision of the Supreme Court in *SLP (Crl.) No. 6690 of 2022-Dheeraj Kumar Shukla v. The State of Uttar Pradesh*, decided on 25.1.2023.

Learned counsel for the State opposes the prayer for grant of bail. He submits that recovery was of commercial quantity. However, on instructions he fairly submits that out of eighteen prosecution witnesses two have been examined.

The observations made hereinafter are made only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.

Without commenting on the merits of the case, having conspectus of the facts; there is no substantial progress in the trial, conclusion of trial is likely to take time, the petitioner is not involved in any other case and in similar circumstances the Supreme Court in *Dheeraj Kumar Shukla's case (supra)* granted bail, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

1st March, 2023
mk

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |