

S. No.230

2023:PHHC:142638

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32594 of 2023

Date of Decision:08.11.2023

Rajesh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.**

Mr. Praveen Bhadu, AAG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.671 dated 26.12.2021 registered under Sections 20 and 29 of NDPS Act, 1985 at Police Station Sampla, District Rohtak (Haryana).

Status report along with the custody certificate has been placed on record.

As per allegations, on the basis of secret information received on 26.12.2021, 35 kg 500 grams ganja was recovered from a car which was being driven by co-accused Sushil. Petitioner was co-passenger in the said car.

It is contended by learned counsel that petitioner has been falsely implicated and that he is not involved in any other such offence. He further contends that petitioner is in custody since 01 year 10 months and 08 days. Trial may take time to conclude and therefore, the petitioner be allowed bail.

Learned State Counsel opposed the bail petition by pointing out that recovered contraband falls under commercial category. However, learned State

Counsel does not dispute the fact that petitioner has no criminal antecedents. Custody certificate also reveals that petitioner is in custody for the last 01 year 10 months and 08 days with no criminal antecedents. It is also informed by learned State Counsel that out of 15 witnesses cited by the prosecution, 10 have already been examined.

Having regard to the custody period of the petitioner, the rigours of Section 37 of the NDPS Act are required to be balanced with Article 21 of the Constitution of India which guarantees fundamental right to life and liberty, of which speedy trial is facet.

Having regard to the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

November 08, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No