

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

214-B

CRM-M-40718-2021 (O&M)

Date of Decision: 21.07.2023

KARAMBIR @ PAL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Veneet Sharma, 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.3 dated 05.01.2021, registered under Section 20(B) (mentioned as 21(b) in the FIR), at Police Station Sadar Rewari, District Rewari.

Learned counsel for the petitioner submits that the petitioner was arrested in FIR No.7 dated 04.01.2021 under the NDPS Act and on the basis of his confessional statement made in the said FIR, he has been indicted in the present case; that the alleged recovery effected in the present case was effected from the house, which was taken on rent by co-accused, namely, Milan and Pardeep; that the petitioner has nothing to do with the said recovery and that the petitioner has been in custody since 04.01.2021. He further submits that the recovery effected in both the FIRs, is a part of the present case only and 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 recovery effected in the present case is a commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused persons involved in a commercial quantity case. She further submits that the petitioner is a habitual offender and facing one more case under the NDPS Act and that material 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 04.01.2021. Recovery was effected from the rented accommodation of the co-accused. The petitioner was indicted on the basis of his own confessional statement. As per the learned counsel for the petitioner, recovery qua which FIR No.7 dated 04.01.2021 was registered, is a part of the present case only. Most of the 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.

21.07.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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