

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

225

2023:PHHC:097676

CRM-M-35706-2023

Date of decision: July 31st, 2023

Sehkul Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.248 dated 13.04.2023 under Section 15 (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar, Gurugram.

2. Learned counsel for the petitioner submits that a false recovery of 45 KGs of poppy husk (non-commercial quantity) has been planted upon the petitioner which was allegedly recovered from a vehicle i.e. Maruti Baleno car, which was not even owned by him. Learned counsel submits that the petitioner has now been in custody since 13.04.2023 and after the charges were framed on 24.07.2023, none of the prosecution witnesses have been examined. He submits that the trial shall take considerable time to conclude as the next date before the trial Court is 03.01.2024 when some prosecution witnesses have been summoned to depose before the trial Court. It has also been submitted that the petitioner being innocent is further evident from the fact that he is not involved in any other criminal case much less under the NDPS Act.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has contended that a secret information was received wherein the petitioner had been specifically named. It has not, however, been disputed that the vehicle from which the alleged recovery was effected was not in the name of the petitioner and still further the recovery effected does not fall under the commercial quantity. Learned State counsel has on further instructions not controverted that the petitioner is not involved in any other criminal case much less under the NDPS Act.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner is in custody since 13.04.2023 and in the facts and circumstances as enumerated hereinabove, since the trial is unlikely to conclude in the near future, 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.

6. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

July 31st, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No