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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 38796-2022 (O&M)
Date of Decision: 25.04.2023

Surender Kumar

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 70 dated 16.05.2022, under Sections 15 of the NDPS Act registered at Police Station Baragudha, District Sirsa, who is alleged to have possessed contraband of 60 kg 160 gram of poppy husk.

Learned counsel for the petitioner contends that the petitioner is in custody since 18.05.2022. He submits that the petitioner has been falsely implicated in the present case as he is a student of B.A.-IInd year, who does not have any criminal antecedents. He further contends that the

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recovery of contraband which have been effected from the backseat as well as boot of the car is marginally above the commercial quantity. He submits that the challan stands presented and the charges have been framed and out of total 25 witnesses, none has been examined yet and the the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, he does not dispute that the challan stands presented and the charges have been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 18.05.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the the petitioner has clean antecedents and the challan stands presented and the charges have been framed and out of total 25 prosecution witnesses, none has been examined till date and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

- 1. he shall appear before the Court on each and every date of hearing;
- 2. he shall not give any threat or intimidation to the prosecution witnesses;
- 3. he shall not indulge in any criminal activity.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed accordingly.

(DEEPAK MANCHANDA)
JUDGE

25.04.2023
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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No