

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M No.40338 of 2022 (O&M)
DATE OF DECISION: 16th OCTOBER, 2023

Karamjit Singh @ Karma

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.259 dated 13.09.2021 registered under Section 22 (c) of NDPS Act, 1985 at Police Station Kalanwali, District Sirsa, Haryana.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. The petitioner is not involved in the crime as alleged against him. To connect the petitioner to the alleged crime, the police have fabricated the recovery of 6500 manufactured tablets of intoxicants from the petitioner. The petitioner is in custody since 13.09.2021. Out of 16 prosecution witnesses, only 03 have been examined so far. There is no other case against the petitioner. The counsel for the petitioner has relied upon the judgments rendered by

Hon'ble the Supreme Court in the cases of *Nitish Adhikary @ Bapan Versus The State of West Bengal, vide order dated 01.08.2022 passed in SLP (Criminal) No.5769-2022; Mohd. Muslim @ Hussain Versus State (NCT of Delhi), 2023 AIR (Supreme Court) 1648 and Md. Hasanuzzaman and others Versus The State of West Bengal and others, SLP (Crl.) No.3221 of 2023, vide order dated 04.05.2023*, to buttress his arguments.

Hence, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State Counsel, being instructed by ASI Rajinder, has submitted that a huge quantity of contraband has been recovered from the petitioner. Not only that, one of his co-accused is in custody and has not been granted bail till date. Therefore, the petitioner does not deserve any concession of bail pending trial. However, it is not disputed by learned State counsel that the petitioner is in custody since 13.09.2021; out of 16 prosecution witnesses, only 03 have been examined so far and that there is no other case against the petitioner.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

16th OCTOBER, 2023
'sandeep'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No