

227+118

CRM-M-41501-2022 &
CRM-M-7971-2022 (O&M)
2023:PHHC: 141057

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41501-2022

SUNIL KUMAR @ ANNA

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CRM-M-7971-2022 (O&M)

Date of Decision: 06.11.2023

MANISH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manoj Kaushik, and Mr. Anuj Arya, Advocates
for the petitioners.

Mr. Rahul Mohan, Sr. DAG, Haryana.

* * *

MANJARI NEHRU KAUL, J. (ORAL)

CRM-46715-2023

This is an application for placing on record Annexure P-15.

Allowed as prayed for subject to all just exceptions.

MAIN CASES

Petitioners in both the petitions detailed hereinabove are seeking
regular bail in case FIR No. 281 dated 22.09.2021 under Section 20 of Narcotic

Drugs and Psychotropic Substances Act 1985, registered at Police Station Kheri Pul, District Faridabad.

Learned counsel for the petitioners assert that they have been in custody since 22.09.2021. To date, only 3 out of the 19 prosecution witnesses have been examined, as a result, it is unlikely that the trial will conclude in the near future. It has been further submitted that the petitioners have been falsely implicated in the present case for being found in conscious possession of 58 kg 326 grams of *Ganja*, while they were travelling together in a car.

Per contra, learned State counsel, while opposing the submissions made by the learned counsel opposite has submitted that a secret information was received with respect to the involvement of the petitioners in the sale and purchase of narcotic substances. Consequently, a Naka was laid and both the petitioners were apprehended at the post along with 58 kgs 326 grams of *Ganja*.

Learned counsel has further submitted that petitioner Sunil Kumar has criminal antecedents as he is involved in another case under the NDPS Act. Additionally, the petitioner Sunil Kumar committed the crime in question while he was on bail in the other case registered against him under the NDPS Act, which clearly indicates that he has misused the concession of bail, which had been granted to him.

It has still further been contended that during investigation following the arrest of both the petitioners, enough material and evidence had been collected by the Investigating Agency to link them with the other co-accused as it was revealed that they were in constant touch with each other through their mobile phones.

Learned State counsel has therefore, vehemently opposed the prayer made for extending the concession of regular bail to the petitioners in view of the huge recovery of *ganja* effected from both the petitioners.

I have heard learned counsel of both the sides and perused the relevant material on record.

Prima-facie, petitioner-Sunil Kumar @ Anna comes across as a man of criminal antecedents; petitioner Manish was driving the vehicle from which the alleged recovery was effected. This Court can also not lose sight of the fact that a specific secret information was received wherein both the petitioners were named and pursuant to which huge recovery of contraband was effected, which has been classified as commercial under the NDPS Act.

This Court, therefore, in the facts and circumstances as enumerated hereinabove does not deem it fit to extend the concession of bail to him.

Dismissed.

Nothing contained herein above, shall be construed as an expression of opinion on the merits of the case. However, learned trial Court is directed to make earnest efforts to expedite the trial and conclude the same expeditiously, preferably within the next 4 months.

06.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

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