

CRM-M-40815-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40815-2023

Date of decision: 24.08.2023

DHARAM PAL

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Balwinder Sangwan, Advocate,
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.382 dated 25.05.2022, registered at Police Station Sector 58, under Sections 15 and 29 NDPS Act.

2. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR, but has been indicted on the disclosure statement of co-accused, namely, Kushuma from whom recovery of 7.550 kg. poppy straw had been effected, and that extent of contraband allegedly effected from the co-accused falls under non-commercial quantity. It is further submitted that no recovery of contraband was effected from the petitioner and that the aforesaid co-accused has since been granted the concession of regular bail by learned Addl. Sessions Judge, Faridabad, vide order dated 24.06.2022.

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It is further submitted that the petitioner has been in custody since 21.03.2023 and that charges have not been framed so far. It is further submitted that there is no other case registered or pending against the petitioner, at least of a similar nature.

3. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner has been indicted in the present case on the disclosure statement of the co-accused, who is none else but his wife and that material prosecution witnesses are yet to be examined.

4. I have heard the learned counsel for the parties.

5. The petitioner was not named in the FIR, but has been indicted on the disclosure statement of co-accused, namely, Kushuma from whom recovery of 7.550 kg. poppy straw had been effected. Indisputably, the contraband allegedly effected from the co-accused falls under non-commercial quantity. Furthermore, no recovery of contraband was effected from the petitioner. As pointed out above, the aforesaid co-accused has since been granted the concession of regular bail. There is no other case registered or pending against the petitioner, at least of a similar nature.

6. The petitioner has been in custody since 21.03.2023. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, without commenting anything on the merits, 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

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furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

24.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No