

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-47231-2021
DATE OF DECISION:-19.01.2023

Lovekush Kumar

...Petitioner

VS.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Robin Hooda, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner is seeking grant of regular bail pending trial in FIR No.242 dated 19.08.2021 for the offence under Sections 29/61/85 of NDPS Act, registered at Police Station Sector 14, Panchkula, District Panchkula, Haryana.

Learned counsel for the petitioner submits that petitioner is behind the bars for almost 01 year, 4 months and 24 days, investigation has already been concluded and *challan* stands filed. He also submits that out of 19 prosecution witnesses, 9 stands examined. He further submits that petitioner was never named in the FIR but was implicated on a disclosure statement made by co-accused namely Krishan Kumar. Learned counsel for the petitioner also submits that no recovery has been effected from the petitioner and no other case of similar nature is even pending against him and thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made

in the present petition while submitting that this is a case of heavy recovery

effected from the co-accused namely Krishan Kumar. He further submits that sufficient evidence has been found by the investigating agency so as to justify the implication of the petitioner.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submission made on behalf of petitioner.

In the present case, petitioner has been named on a disclosure statement made by the co-accused namely Krishan Kumar who was apprehended at the spot. However, neither any recovery has been effected from the petitioner nor any other case of similar nature is pending against him. Petitioner is behind the bars for almost 01 year, 4 months and 24 days and investigation has been concluded. Out of 19 witnesses, 9 already stands examined and the trial is likely to take long time. Thus, there is no justification to extend the incarceration of the petitioner for any further period.

Without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

19.01.2023
anil

(**HARKESH MANUJA**)
JUDGE