

CRM-M-47429 of 2022

2023:PHHC:062812

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47429 of 2022

Date of decision: 02.05.2023

Shakir Hussain

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sahil Choudhary, Advocate, and
Mr. Sandeep Saini, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.278 dated 24.04.2022 under Sections 15/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Thanesar, District Kurukshetra.

2. Learned State counsel has filed reply by way of affidavit of Ram Datt, DSP, Kurukshetra, on behalf of respondent-State, which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. Brief facts of the case are that on 24.04.2022, 515 Kilograms of poppy straw was recovered from the conscious possession of co-accused Prem Singh and Charanjeet Singh which was allegedly supplied by co-

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accused Jagtar Singh. As per the prosecution version, the petitioner also loaded the contraband in the truck and thereby received amount from co-accused and also provided them his SIM to have conversation with other co-accused and on the basis of disclosure statement of co-accused, petitioner has been nominated in the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that the petitioner was not named in the FIR and has been nominated as an accused on the disclosure statement of co-accused, namely, Prem Singh and Charanjeet Singh, who in their disclosure statement stated that petitioner along with co-accused, namely, Illyas Mew and Zakir Khan (father of co-accused Illyas Mew) had loaded 13 bags of poppy husk in canter bearing registration No.PB-65-BB-2751 make Ashok Leyland and he purchased SIM Card No.9343381996 in the year 2021 and gave the same to co-accused Illyas Mew after taking an amount of Rs.2000/- for doing the same and abovesaid SIM Card was continuously used by co-accused Illyas Mew in the working of sale and purchase of intoxicating drugs. He further submits that petitioner is in custody for the last more than one year and is not involved in any other case. He further submits that investigation in the present case is complete; challan has been presented; charges are yet to be framed and out of 30 prosecution witnesses none has been examined as yet, therefore, the trial may take a considerable time to conclude. Thus, no fruitful purpose would be served by detaining the petitioner behind bars.

5. *Per contra*, learned State counsel while placing on record custody certificate has opposed the prayer for grant of regular bail to the petitioner by stating that petitioner has also played a crucial role in the

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present transaction. However, she could not dispute the role attributed to the petitioner as has been stated above and the fact that petitioner is in custody for the last one year and the trial is likely to take a considerable time to conclude.

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is one year and two days; investigation in the present case is complete; challan has been presented; charges are yet to be framed; out of 30 prosecution witnesses none has been examined as yet; petitioner is not involved in any other case, therefore, trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

02.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No