

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

207+101

CRM-M-51621-2022 (O&M)

Date of decision: 24.01.2023

Lakhanpal @ Dhaba

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anil Kumar Malik, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-3089-2023

Application is allowed as for. Annexures P-6 to P-9 are taken on record.

Main case:

The petitioner has filed this third petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 494 dated 17.10.2020, registered under Sections 20, 27-A, 29, 61, 85 of the NDPS Act, at Police Station City Fatehabad, District Fatehabad. The earlier two petitions were dismissed as withdrawn on 02.06.2022 and 26.08.2022.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was indicted in the present case on the disclosure statement of co-accused Madan Lal and recovery of 12 kg. of Ganja was recovered from his motorcycle and he has already been granted regular bail; that nothing was recovered from the

petitioner; that as far as other FIRs are concerned, the petitioner is on bail; that the petitioner has been in custody since 24.12.2021 and that out of 18 prosecution witnesses, none has been examined so far.

Learned State counsel, while vehemently opposing the prayer for bail, submits that though nothing was recovered from the petitioner and he was involved in the present case on the disclosure statement of the co-accused but the fact remains that he is the supplier of contraband and is involved in five other FIRs. The petitioner is not entitled for regular bail. However, he does not dispute the custody period of the petitioner. He submits that however, out of 18 prosecution witnesses, none has been examined, but 04 prosecution witness have been summoned for next date.

I have heard the learned counsel for the parties and have gone through the case file.

The petitioner has been in custody since 24.12.2021. The petitioner was indicted in the present case on the disclosure statement of co-accused, who has already been enlarged on bail and nothing was recovered from him. In other case, the petitioner is on bail. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves him into another case of a similar nature, the trial Court would put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

24.01.2023
Mangal Singh

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