

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-51764-2022

Date of Decision: 15.05.2023

Sukhdev Ram

...Petitioner

V/S

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA J. Oral

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No.218 dated 19.08.2022 registered under Section 51(C), 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Guhla, District Kaithal Haryana (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner is in custody since 03.09.2022. He submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by one Balinder Singh, from whom the alleged recovery of 56 kg poppy husk has been effected and the petitioner is alleged to have supplied the said contraband. Learned counsel for the petitioner contends that the said recovery is marginally above the commercial quantity and has not even been effected from the conscious possession of the petitioner. He further submits that other co-accused namely, Kala has been granted regular bail by this Court vide order dated 20.04.2023 passed in CRM-M-17361-2023 and co-

accused Om Parkash has been granted interim anticipatory bail by this Court vide order dated 04.01.2023 passed in CRM-M-59129-2022 and the said order has been made absolute vide order dated 21.03.2023 and the challan stands presented but the charges have not been framed yet and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting the offence alleged against the petitioner is habitual offender and is involved in various cases of similar nature, however does not dispute that the challan stands filed but the charges have not been framed yet and the petitioner is involved in three other cases.

Confronted with the same, learned counsel for the petitioner submits that out of above said three cases, the petitioner has been granted bail in two of them and had been acquitted from charges in third case.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 03.09.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and the charges have not been framed and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

- 1. he shall appear before the Court on each and every date of hearing;
- 2. he shall not give any threat or intimidation to the prosecution witnesses;
- 3. he shall not indulge in any criminal activity

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail. The petition is allowed.

15.05.2023
sapna

(DEEPAK MANCHANDA)
JUDGE

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