

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

CRM-M-52721-2022

Date of decision: 20.01.2023

Vijay Sharma

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Kanika Ahuja, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this fourth petition, the petitioner seeks regular bail in case bearing FIR No.294 dated 19.05.2021, registered at Police Station Krishna Gate Thanesar, District Kurukshetra, under Sections 22 and 29 (added later on) NDPS Act, 1985.

Status report dated 06.01.2023, by way of affidavit of the Deputy Superintendent of Police, Headquarters, Kurukshetra, filed in the Registry, is taken on record.

Learned counsel for the petitioner contends that though the first petition filed by the petitioner seeking regular bail, was dismissed as withdrawn on 19.04.2022, yet the fact remains that the petitioner has been in custody since 22.05.2021 and out of 32 prosecution witnesses, only 03 witnesses have been examined so far; that the petitioner was indicted on the disclosure statement of co-accused, Gaurav Gaba; that the petitioner had never misused the concession of interim regular bail granted to him on account of illness of his mother and had surrendered

in time, and that there is no other case registered or pending against the petitioner, at least of a similar nature.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that there was a whatsapp call between the petitioner and the co-accused on 16.05.2021, and that the petitioner had supplied the intoxicating tablets to the co-accused. However, learned State counsel does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

As per the case of prosecution, there was a whatsapp call between the petitioner and the co-accused on 16.05.2021. No recovery was effected from the petitioner. There is no other case registered or pending against the petitioner, at least of a similar nature. As many as 29 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.

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

20.01.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No