

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

206

CRM-M-53502-2022

Date of Decision : January 06, 2023

Yasin

-Petitioner

VERSUS

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Alisha Soni, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.233 dated 19.05.2022, registered under Sections 20/29 of NDPS Act, 1985, at P.S. Sadar Industrial Sector-29, Panipat, District Panipat during the pendency of the trial.

On 19.05.2022, the petitioner was arrested while being in possession of 7 Kgs 500 grams “Ganja Leafs”. During the course of investigation, the petitioner suffered disclosure statement that he had purchased the recovered contraband from Mohammad Yunus Sheikh, whereupon, he was also arrayed as an accused in the present FIR.

At the very outset, learned counsel for the petitioner submitted that the recovered contraband falls within “non commercial quantity”. He further stated that the investigation stands completed and the Final Report, under Section 173 Cr.P.C., has also been filed on 14.07.2022. The charges have been framed on 22.12.2022. The prosecution has cited total 15 witnesses to substantiate the allegations against the accused persons, however, no witness has yet been examined. He further stated the petitioner has suffered sufficient incarceration as he

is behind the bars since 19.05.2022 and the trial is not likely to conclude any time soon. He also submitted that no other case is pending against the petitioner.

Per contra, the learned State counsel has opposed the bail application on the ground that the petitioner may again indulge in such illegal activities, if granted the concession of bail.

Considering the “non commercial” quantity of the recovered contraband as well as the fact that there is no progress in the trial as no witness has been examined so far, out of total 15 witnesses, and the period of incarceration undergone, coupled with the fact that he is not involved in any other case, I deem it appropriate to enlarge the petitioner on regular bail. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

January 06, 2023
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No