

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

207

**CRM-M-50390-2023 (O&M)
Date of Decision: 11.10.2023**

Krishan Kumar @ Deepak

...Petitioner

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajeev Kumar Gupta, Advocate for the petitioner.

Mr. Shivendra Swaroop,
Deputy Advocate General, Haryana.

HARKESH MANUJA, J. (oral)

1. By way of present second petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner is seeking grant of regular bail pending trial in FIR No.242 dated 19.08.2021 for the offence under Sections 22 and 29/61/85 of NDPS Act, 1985 registered at Police Station Sector 14, Panchkula, District Panchkula, Haryana.

2. Learned counsel for the petitioner submits that the petitioner is behind the bars for more than 02 years, investigation has already been concluded and challan stands filed. He points out that only 3 prosecution witnesses have been examined, out of total 19 as cited by the prosecution. Learned counsel for the petitioner prays for grant of regular bail to the petitioner.

3. On the other hand, learned State counsel opposes the prayer made in the present petition while submitting that this is a case of heavy recovery effected from the petitioner. He further submits that sufficient evidence has been found by the investigating agency so as to justify the implication of the petitioner.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submission made on behalf of petitioner.

5. In the present case, the petitioner is behind the bars for more than 2 years and 1 month, whereas the investigation stands concluded, however, 3 prosecution witnesses have been examined out of total 19 as cited by the prosecution and the trial is likely to take long time. Thus, there is no justification to extend the incarceration of the petitioner for any further period. Moreover, co-accused Lovekush Kumar was released on bail by this Court vide order dated 19.01.2023.

6. Without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

7. However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

11.10.2023

Mangal Singh

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No