

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

205

CRM-M-52232-2023

Date of decision: 07.11.2023

MUKESH @ DHANNU

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Jitender K. Sehrawat, Advocate  
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

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**DEEPAK MANCHANDA, J.(ORAL)**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.220 dated 04.05.2022 under Section 21-C of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27-A of NDPS Act added later on), registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the case. It is alleged that on 04.05.2022, on receiving a secret information police party apprehended the co-accused, namely, Amit Kumar @ Piti and Aakash Kumar, who were sitting on the front seat of Ritz car bearing No. HR 26 BX 1164 and petitioner-Mukesh @ Dhannu was sitting on the back seat. A recovery of 302 grams of heroin has been effected upon conducting search of the afore-said car which falls under the commercial quantity. Learned counsel submits that petitioner is involved in 08 other cases whereas in 04 cases, he is released on bail and in other 04 cases, he has been acquitted of the

charges. Learned counsel further submits that investigation has already been concluded wherein challan stands presented and charges have been framed on 01.02.2023 and out of 26 prosecution witnesses only 01 witness has been examined till date.

Status Report dated 06.11.2023 by way of an affidavit of Kulwant Singh, HPS, Deputy Superintendent of Police, Fatehabad has been filed on behalf of the respondent-State. The same is taken on record. Copy thereof has been supplied to the counsel opposite.

Learned State counsel assisted by Investigating Officer has opposed the aforesaid prayer on the ground that allegations levelled against the petitioner are serious in nature. However, he has not disputed the fact that challan stands presented on 19.12.2022 and charges have been framed and there are total 26 prosecution witnesses and only 01 witness has been examined till date. Learned State counsel further submits that the petitioner is a habitual offender and 08 other cases are registered against him, however, in FIR Nos.53 dated 31.01.2018, FIR No.182 dated 09.04.2019, FIR No.57 dated 02.02.2019 & FIR No.110 dated 02.03.2020 petitioner has been acquitted of the charges and in case bearing FIR No.448 dated 15.08.2018, FIR No.239 dated 14.05.2019, FIR No.403 dated 20.08.2020 and FIR No.158/2019, he is on bail.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 04.05.2022.

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. Moreover, it will be debatable as to whether the petitioner can be attributed to conscious possession of the contraband stated to be recovered from the car of the co-accused in which petitioner was

sitting on the back seat. Further, since investigation has already been completed, challan stands presented, charges have been framed and there are total 26 prosecution witnesses and only 01 witness has been examined till date. Keeping in view, 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/Duty Magistrate concerned.

The petition is allowed.

November 07, 2023

*nisha-II*

(DEEPAK MANCHANDA)  
JUDGE

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No