

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.215

Case No. : CRM-M-54468-2022

Date of Decision : January 19, 2023

Anuj Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. (Oral) :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.164 dated 09.05.2022, under Section 21 of the NDPS Act, 1985, registered at Police Station Sarai Khawaja, District Faridabad.

The allegation against the petitioner is that on 09.05.2022, during nakabandi, 230 grams of smack was recovered from the possession of the petitioner.

Learned counsel for the petitioner states that no other case has ever been registered against the petitioner. It has further been stated that the challan in this case has already been presented and the petitioner is in custody since 09.05.2022. Learned counsel prays that as the completion of trial is likely to take a long time, the petitioner be released on bail.

Learned State Counsel, on the other hand, while opposing the prayer made by learned counsel for the petitioner, states that the petitioner is resident of Bihar and learned Trial Court also dismissed his bail application as there was apprehension by the prosecution that in case the petitioner is released on bail, he may abscond or may pressurize the witnesses.

Heard learned counsel for the parties and perused the case file.

In this case, the petitioner is in custody since 09.05.2022 and the challan has also been presented. Keeping in view the fact that no other case is pending/registered against the petitioner and the completion of trial in this case may also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period. The petitioner cannot be kept in custody for an indefinite period. However, learned Trial Court can very well take heavy surety in order to procure the presence of the petitioner.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Faridabad.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

January 19, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.