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Neutral Citation No.2023:PHHC:079276

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

CRM-M-56924-2022

Date of decision: 31.05.2023

Chinderpal @ Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. S.K. Sirsa, Advocate for
Mr. V.B. Godara, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.417 dated 08.08.2022 under Sections 21-b/27-A of NDPS Act, 1985 registered at Police Station Sadar Feteabad, District Fatehabad (Annexure P-1).

2. Learned State counsel has filed the status report dated 30.05.2023 which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

3. The brief facts of the prosecution case are that on 08.08.2022, a police party headed by ASI Major Singh, apprehended co-accused Satish Kumar @ Babbu on the basis of suspicion at the bridge of Rangoi on Aherwan-Dhani Rampura road and after making compliance of notice under Section 50 of NDPS Act, recovery of 25 gm 05 miligram of Heroin contained in a transparent pouch, was effected from the right pocket of his wearing trouser, in the presence of Sh. Vikas Kumar, Assistant Professor, Government Women

College, Bhodiakhera. The recovered contraband was taken into police

possession in accordance with law. On interrogation, co-accused Satish Kumar @ Babbu suffered his disclosure-statement of having purchased the recovered contraband from co-accused Ravi. During investigation, on 11.09.2022, accused Ravi was arrested and he suffered disclosure statement regarding supplying the recovered contraband to co-accused Satish after purchasing the same from petitioner-Chhinderpal. After completion of investigation, challan against co-accused Satish and Ravi has been submitted in the Court and present petitioner-Chhinderpal has been arrested.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner was not named in the FIR and has been nominated on the basis of disclosure statement of co-accused Ravi, who was named by another co-accused Satish. He further submits that others co-accused namely Ravi and Satish have already been granted concession of regular bail vide order dated 09.01.2023 and 03.05.2023, respectively, passed by the learned Additional Sessions Judge, Fatehabad. He further submits that the alleged recovery from other co-accused is non-commercial and bar of Section 37 would not be applicable in the present case. He submits that the petitioner is in custody since 30.09.2022; investigation in the present case is complete; challan has been presented; charges are yet to be framed and there are total 15 prosecution witnesses. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

5. Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner by stating that the petitioner is involved in another case bearing FIR No.311 dated 18.06.2022 under Sections 21B/61/85 of the NDPS Act, 1985, PS Sadar Fatehabad, District Fatehabad, although he is on bail in this case. Further

learned State counsel could not dispute that investigation in the present case is complete; challan has been presented; charges are yet to be framed and there are total 15 prosecution witnesses.

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is about 08 months 01 day; investigation is complete; challan has been presented; charges are yet to be framed and there are total 15 prosecution witnesses; others co-accused namely Ravi and Satish have already been granted concession of regular bail vide order dated 09.01.2023 and 03.05.2023, respectively passed by the learned Additional Sessions Judge, Fatehabad; the alleged recovery from other co-accused is non-commercial and trial is likely to take a considerable time.

8. 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.

9. Accordingly, the present petition stands disposed of.

10. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

31.05.2023

Parveen kumar

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No