

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 57262-2022 (O&M)

Date of Decision: 11.01.2023

Rakesh Kumar

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 548 dated 19.10.2022, under Section 21 (b) of NDPS Act registered at Police Station Sadar Fatehabad, District Fatehabad who is alleged to have possessed contraband of 11.50 grams heroin, which falls under the ambit of non-commercial quantity.

Learned counsel for the petitioner contends that the petitioner is in custody since 20.10.2022. He submits that the petitioner has been falsely implicated in the present case as the recovery is of non-commercial nature and the similarly situated co-accused Vikas Kumar has already been granted bail by the trial Court. He further submits that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf

of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that the co-accused has been granted bail by the Court below and that the challan stands presented.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 20.10.2022.

It is not a case made out by the respondent-State that concession of bail if granted to the petitioner would hamper the course of free and fair trial. Further, since recovery comes under the non-commercial quantity and the co-accused has also been granted bail and 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 concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

11.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No