

CRM-M-58039-2022

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

CRM-M-58039-2022

Date of decision: 11.05.2023

Vikram Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Navkiran Singh, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case FIR No.414 dated 10.12.2018, registered at Police Station Madhuban, District Karnal, under Section 15 NDPS Act, 1985.

Learned counsel for the petitioner contends that though the petitioner alongwith five other co-accused, was named in the FIR, yet the fact remains that the petitioner was not arrested at the spot; that the alleged recovery of contraband had been effected from the agricultural land, which does not belong to the petitioner, and that at the time of the alleged recovery, three co-accused were arrested, but now have been released on bail by the Coordinate Bench and this Court as well. He further submits that there is no other case registered or pending against the petitioner, at least of a similar nature and that moreover, co-accused, Sukha Singh has since been granted the benefit of pre-arrest bail, vide order dated 14.02.2019.

CRM-M-58039-2022

Learned counsel further contends that the petitioner was declared a proclaimed offender at one stage, but was arrested on 04.03.2022 and since then, he has been in custody. He further submits that out of 17 prosecution witnesses, only 01 witness has been examined so far.

On the other hand, learned State counsel while opposing the grant of bail to the petitioner, submits that though the petitioner was not arrested at the spot, but the fact remains that he was declared a proclaimed offender on 21.08.2019, but landed in police net on 04.03.2022 i.e. approximately after 2½ years. Learned State counsel further submits that the material witnesses are yet to be examined and, therefore, the petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties.

The petitioner was not arrested at the spot. As stated above, three co-accused, who were arrested alongwith the contraband, have been enlarged on regular bail and co-accused, namely, Sukha Singh has since been granted the benefit of anticipatory bail. Moreover, the agricultural land from where the alleged recovery was effected, does not belong to the petitioner.

The petitioner has been in custody since 04.03.2022. Out of 17 prosecution witnesses, only 01 witness has been examined so far. Trial is unlikely to conclude any time soon. There is no other case registered or pending against the petitioner, at least of a similar nature. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

CRM-M-58039-2022

allowed and the petitioner is ordered to be released on bail on his
furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

11.05.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

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