

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

CRM-M-60826-2022

Date of Decision: January 09, 2023

JAWARI LAL

....Petitioner(s)

VERSUS

STATE OF HARYANA

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amit Chaudhary, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

PANKAJ JAIN, J.(ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.417 dated 13.05.2022 under Section 15, 16, 27-A, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Azad Nagar, District Hisar.

Learned counsel for the petitioner submits that petitioner has not been named in the FIR what has been named on the basis of disclosure suffered by co-accused. Petitioner was earlier granted interim bail owing to illness of his wife vide order dated 14.09.2022. Thereafter, the petitioner surrendered and is not reported to have misused the concession of the bail. He further submits that vide Annexure P-3, the co-accused from whom recovery of 525 kg of poppy-husk has been granted default bail under Section 167(2) Cr.P.C. as the FSL report was not received. Reliance is being placed upon *Tofan Singh Vs. State of Tamil Nadu* reported as (2021)

4 SCC 1.

State counsel submits that FSL report has been now received and as per the disclosure made by the co-accused petitioner is the source of the contraband and thus, keeping in view the nature of the allegations and the quantity recovered, petitioner shall not be entitled for regular bail. As per him charges are yet to be framed and the matter is fixed for 10.02.2023 and there are 18 cited witnesses.

After hearing learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the nature of allegations, the petitioner cannot be granted concession of regular bail however he has a right to seek expeditious trial. In view of the said fact, trial Court is directed to decide upon the charges on the next date of hearing i.e. 10.02.2023 and thereafter to conclude the trial within 60 days.

Petition is disposed of accordingly.

(PANKAJ JAIN)
JUDGE

09.01.2023
Sangeeta

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