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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59540-2023
Decided on :04.12.2023

Rahul @ Monu

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

HARKESH MANUJA, J (ORAL)

1. By way of second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case FIR No.52 dated 24.01.2022, under Sections 22-C, 29-61-85 of NDPS Act, registered at Police Station Dabua, District Faridabad, Haryana.
2. In the present case, the petitioner has been implicated against the alleged recovery of 70 Buprenorphine injections.
3. Custody certificate filed by the State counsel is taken on record.
4. The prayer made herein has been opposed at the instance of learned State counsel, on instructions from ASI Ram Babu, who submitted that the petitioner is habitual offender and is convicted in three other cases while trial in two cases are still pending against him. While referring to the heavy recovery,

learned counsel further submits that the petitioner does not deserves the concession of bail.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

6. In the present case, the petitioner is behind the bar for a period of one year and ten months. The investigation already stands concluded with the filing of challan followed by framing of charges. Moreover, out of total 18 witnesses, only 02 witnesses have been examined. Admittedly, no other case registered under the provisions of NDPS Act is pending against the petitioner. Purely, considering the custody period and the fact that the petitioner is not involved in other NDPS case and that the trial is likely to take some time, I do not find any reason to extend the incarceration of the petitioner any further.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

04.12.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No