

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2024:PHHC:004055
CRM-M-483-2024
Date of Decision: January 12, 2024

Sunil ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Lalit Kumar Narang, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of present petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.437 dated 18.10.2022, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station IMT Rohtak, District Rohtak.

2. This is the second petition. The earlier petition was dismissed as withdrawn.

3. Allegations are that 270 grams of heroin was recovered from the possession of the petitioner; whereas 340 grams of heroin was recovered from the possession of co-accused Ompati, while they were travelling on the motorcycle, on 18.10.2022.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 02 months; that he is not involved in any other case and that the trial may take time to conclude, as despite framing of the charges, not even a single witness has been examined so far.

5. Notice of motion.

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6. Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.

7. Learned State counsel has placed on record the custody certificate revealing that the petitioner is in custody for the last 01 year, 02 months and 21 days. Petitioner has no other criminal case pending against him. Learned State counsel conceded the fact that out of 23 witnesses cited by the prosecution, not even a single witness has been examined so far.

8. In the aforesaid circumstances, the rigor of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India providing for the fundamental right of the life and liberty, of which the right of speedy trial forms part.

9. Considering all the aforesaid facts and circumstances of the case, but without commenting anything on the merits of the case, the petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

January 12, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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