

227 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-606-2024

Decided on:-02.04.2024

Amit

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Davneet Sangwan, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail to the petitioner, pending trial in case FIR No.107 dated 10.04.2023, registered under Section 22(c) of the NDPS Act, 1985, at Police Station Kalka, District Panchkula.

2. Learned counsel for the petitioner submits that the petitioner has been implicated in the present case on the basis of disclosure statement made by one Manoj Kumar, from whom, the alleged recovery of 11760 capsules of “Tramadol” was effected. He further submits that the co-accused of the petitioner, namely, Mohd. Sayad Alam has already been granted the concession of regular bail by this Court vide order dated 12.12.2023 passed in CRM-M-61493-2023.

3. On the other hand, prayer made herein has been strongly

opposed at the instance of learned State counsel while referring to the huge recovery involved in the present case i.e. 12400 capsules of “*Tramadol*” besides the involvement of the petitioner in one more case of NDPS Act and thus, he prays for dismissal of the present petition.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges; the petitioner has already suffered incarceration for a period of almost 01 year; and out of total 22 prosecution witnesses, none has been examined and thus, trial is likely to take some time. Moreover, the petitioner has been implicated on the basis of disclosure statement made by Manoj Kumar and the evidentiary value thereof shall be gone into during trial. Even otherwise, one of the co-accused, namely, Mohd. Sayad Alam has already been granted the concession of regular bail by this Court as mentioned above.

As regards the involvement of the petitioner in another case of NDPS Act, that also relates to non-commercial quantity besides it, he already stands released on bail in that case. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

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

02.04.2024
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No