

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

**Neutral Citation No. 2024:PHHC:057308
CRM-M-2023-2024
Date of Decision: April 26, 2024**

Santosh Kumar Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Bhavna Grewal, Advocate for the petitioner
(Through Video Conferencing).

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.438 dated 23.06.2023, under Sections 18 and 29 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Thanesar, Sadar, District Kurukshetra.

2. It is contended by learned counsel for the petitioner that though the petitioner was apprehended by the police party alongwith co-accused Pankaj, but it is from the *pitthu* bag of Pankaj that recovery of 3.1 Kg. of opium was allegedly effected; and that no recovery was effected from the petitioner. Learned counsel contends that the only fault of the petitioner is that at that time, he was accompanying co-accused - Pankaj, who happens to be his brother-in-law. Learned counsel also contends that the petitioner has never been involved in any such case; that he is in custody for the last more than 10 months; and that trial may take long time to conclude and so he be allowed bail.

3. Reply by way of an affidavit dated 22.04.2024 of Shri Om

Parkash, DSP (City), Thanesar, Kurukshetra alongwith Annexures R-1 to P-7 has been filed on behalf of the respondent-State.

4. Learned State counsel has opposed the bail petition on the ground that name of the petitioner finds mention in the disclosure statement of co-accused Deepak. Further attention is drawn towards the fact that the petitioner was apprehended alongwith co-accused Pankaj.

5. However, it is conceded by learned State counsel that recovery of the contraband was effected from the bag of co-accused – Pankaj; and that no recovery was effected from the petitioner.

6. The custody certificate placed on record would reveal that petitioner is in custody for the last 10 months and 02 days. Petitioner is not involved in any other case.

7. Learned State counsel, on instructions from ASI Pritam Singh, also informs that though the final report under Section 173 Cr.P.C. has been filed, but none out of 17 witnesses as cited by the prosecution, has been examined so far. Thus, the trial is likely to take long time to conclude.

8. Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, 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.

April 26, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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