

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

**Neutral Citation No. 2024:PHHC:059052
CRM-M-3720-2024
Date of Decision: April 30, 2024**

Dharampal @ Malad ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Sumit Jain, 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.435 dated 13.11.2022, under Section 20-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25(1-B) (A) of the Arms Act, 1959, registered at Police Station City Narwana, District Jind.

2. As per the prosecution allegations, petitioner was apprehended on 13.11.2022 on receiving a secret information and from his conscious possession, 1 Kg. 200 grams of charas, besides a revolver of .32 bore and 06 live cartridges were recovered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that the recovered quantity of contraband is marginally higher than the commercial category; that petitioner is in custody for the last more than 01 year, 05 months; and that the trial is not proceeding further at all.

4. Learned State counsel has opposed the bail petition by pointing out that the recovered quantity of contraband falls in the commercial

category. Learned State counsel has also drawn attention towards the criminal antecedents of the petitioner, who as per the petition is involved in more than 17 cases, but as per the custody certificate, he is undertrial in 04 cases and has been acquitted in 03 cases.

5. As per the custody certificate, petitioner is in custody for the last 01 year, 05 months and 11 days. The recovered quantity is marginally higher than the commercial category. Learned State counsel also informs that though, the challan has since been filed, but even the charges have not been framed so far and the case before the Trial Court for that purpose is fixed for 17.07.2024 and that the prosecution has cited as many as 14 witnesses. Thus, trial is likely to take long time to conclude.

6. Having regard to the custody period of the petitioner, the fact of the involvement of the petitioner in other cases, cannot be an obstacle to grant bail to him, as trial may take time to conclude.

7. Considering all the aforesaid facts and circumstances, but without commenting anything further 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 30, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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