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CRM-M-4503-2024
Date of decision:03.05.2024

RAJENDER

... PETITIONER

VERSUS

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. K.L. Saini, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

1. This is the 4th petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in:-

FIR No.	Dated	Police Station	Section
273	05.11.2020	Bass, District Hansi	20 of the NDPS Act, 1985

2. Version of the prosecution is that on the basis of secret information, a pick up vehicle was intercepted at a barricade and recovery of 24 KG *ganja* leaves was effected. Rajender (present petitioner) driving the vehicle, whereas Kavita was sitting as a co-passenger.

3. Counsel for the petitioner submits that the petitioner is in custody since the date of his arrest except for a short period, when he was released on interim bail. He submits that although petitioner has been named in some other criminal cases, but he is not an accused in any case involving offence under the NDPS Act. He submits that the trial is at its initial stage and the petitioner deserves to be temporarily released.

4. *Per contra*, State counsel, upon instructions, has opposed the petition by inviting the attention of the Court to Section 37 of the NDPS Act. He submits that the petitioner has been named as an accused in three other criminal cases. By referring to the status report, he submits that charge was framed on 22.03.2021 and out of 18 prosecution witnesses, none has been examined. He submits that Rakesh has been named by the petitioner as the supplier, but he could not be apprehended.
5. Having heard counsel for the parties, but without commenting upon the merits of the allegations, this Court is *prima facie* of the view that the petitioner deserves to be enlarged on bail. As per the custody certificate dated 02.05.2024 filed by State counsel, petitioner has spent more than 02 years in detention and is not accused of any other offence under the NDPS Act. Petitioner has been named as an accused in 03 other criminal cases and he has earned acquittal in one of them. Trial is at a nascent stage and there is a remote possibility of its early conclusion.
6. Accordingly, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.05.2024

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No