

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

242

2024:PHHC:020790
CRM-M-4685-2024
Date of decision: February 14th, 2024

Rajpal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rakesh Nehra, Senior Advocate
with Ms. Himani Anand, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.238 dated 28.06.2023 under Section 15 (Sections 25 and 29 added later on) of the NDPS Act, registered at Police Station Pehowa, District Kurukshetra.

2. Learned senior counsel for the petitioner, *inter alia*, contends that a false recovery has been planted upon the petitioner, who was the cleaner of the truck, on which 56 kilograms of poppy husk was being transported. He submits that the petitioner has clean antecedents and he is not involved in any other criminal case much less under the NDPS Act. Since not only the challan stands presented but charges also framed, his further incarceration would serve no useful purpose as none of the prosecution witnesses have been examined till date and hence, trial will take considerable time to conclude.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the

status of the trial, however, she submits that the recovery effected was of 56 kilograms of poppy husk, which has been classified as commercial.

4. On a pointed query put to the learned State counsel, she on instructions, has not controverted the submissions made by the learned senior counsel qua the petitioner having clean antecedents and not being involved in any other case under the NDPS Act.

5. In the facts and circumstances as enumerated hereinabove, since there is no likelihood of the trial concluding in the near future, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

February 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No