

221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9966-2024

Decided on:-04.04.2024

Pappulal Gadri

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajay Kadyan, 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.566 dated 02.10.2023, registered under Sections 29/15 of the NDPS Act, at Police Station Industrial, Sector 29, District Panipat.

2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure statement made by one of the co-accused, namely, Satpal @ Satu, from whom the alleged recovery of 210 kg “*doda post*” was effected and even no recovery has been effected from the present petitioner, thus, prays for grant of concession of regular bail.

3. The prayer made herein has been opposed at the instance of learned State counsel while referring to the involvement of the petitioner in

two more case of NDPS Act, though in one case, he already stands acquitted and in another one, he is on bail and is facing trial.

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

5. In the present case, investigation already stands concluded with the filing of challan and petitioner is in custody for the past almost 05 months. Moreover, the petitioner was implicated in the present case only on the basis of disclosure statement made by co-accused Satpal @ Satu, besides it, no recovery was ever effected in the present case from the petitioner.

As regards the involvement of the petitioner in two more cases of similar nature, in one case, he already stands acquitted and in another one, he is on bail and is facing trial. Even otherwise, charges are yet to be framed and trial is likely to take some time. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/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.

04.04.2024
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(HARKESH MANUJA)
JUDGE

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