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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(1) CRM-M No. 12048 of 2024 (O&M)
Date of Decision: 03.07.2024

Pratham Petitioner

Versus
State of Haryana Respondent

AND

(2) CRM-M No. 24375 of 2024 (O&M)

Rajni Petitioner

Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Divyadeep Walia, Advocate
for the petitioner (in CRM-M-12048-2024)

Mr. Vaibhav Vats, Advocate
for the petitioner (in CRM-M-24375-2024)

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CRM-25846-2024 in CRM-M-12048-2024

Application is **allowed**, as prayed for, subject to all just exceptions. The documents, Annexures P-3 to P-8, as sought to place on record on behalf of the applicant-petitioner, are taken on record.

Registry to do the needful.

MAIN CASE(S)

This common order shall dispose off the present two petitions as the same have arisen out of common occurrence / FIR.

[2] The petitioners, by way of present petition filed under Section 439 Cr.P.C., seek grant of regular bail pending trial in case bearing FIR No.421, dated 05.08.2023, under Sections 21, 22-C & 29 of NDPS Act and Section 25 (1-B) (b) of Arms Act, registered at Police Station Ambala Cantt., District Ambala, wherein they have been implicated with the allegations of alleged recovery of 10 grams of heroin, a knife and 680 tablets of intoxicant substance / capsules.

[3] Separate replies, by way of affidavit dated 22/29.06.2024 of Sh. Rajat Gulia, HPS, DSP, Ambala Cantt., District Ambala, filed on behalf of the respondent-State of Haryana, are taken on record. Registry to tag / paginate the same at appropriate place in the paper-book.

[4] Learned counsel for the petitioner(s) submits that the petitioners are in custody since 04.08.2023 and the trial of case may take long time; thus, prayer is for grant of bail.

[5] Learned State Counsel vehemently opposes the prayer made on behalf of the petitioners, while referring to the huge recovery of contraband which is commercial in nature, besides the involvement of petitioners in one more case differently registered against them under the provisions of IPC, though, co-accused/petitioner-Rajni stands acquitted; thus, prays for dismissal of the present petition.

[6] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel

for the petitioner(s).

[7] In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges and the petitioners are behind the bars since 04.08.2023, i.e. for the last eleven months; however, none of the prosecution witnesses has been examined so far out of total 23 witnesses cited by the prosecution and thus, the conclusion of trial may take some time, besides it, the petitioner-Pratham is not involved in any case under the provisions of NDPS Act.

[8] Moreover, a perusal of the record shows that at the first instance, the petitioner-Pratham and co-accused/petitioner-Rajni were apprehended on Activa, while recovery of knife was made from the petitioner-Pratham, besides 10 grams of heroin being recovered from the co-accused/petitioner-Rajni; then, both of them were taken to police station in a Government vehicle alongwith their Activa and later, recovery of 680 intoxicant tablets was made from the dickey of Activa in the office of DSP (Gazetted Officer). In such circumstances, the subsequent recovery of contraband which was made from the dickey of Activa in the office of DSP, becomes debatable issue during the trial. In view thereof, this Court does not find justification to extend the incarceration of the petitioners any further.

[9] In view of the above, but without commenting upon merits of the present petition, the same are **allowed**. The petitioners are ordered to be released on bail subject to their furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

