

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15271-2024
Decided On: 04.04.2024

RAKESH
.....PETITIONER(s)

Versus

STATE OF HARYANA
.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhishek Sindhwani, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J.(Oral)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.287 dated 15.05.2023 under Sections 186, 353, 336, 427 of the IPC and Sections 15(c), 27A, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Bhiwani.
2. Learned counsel for the petitioner inter alia contends that the petitioner has clean antecedents; he was just sitting on the rear seat of the vehicle along with the co-accused from which the recovery of 68 kgs of poppy husk was allegedly affected. It has been submitted that after his arrest on 15.05.2023, not only has the challan been presented but even charges framed, however, none of the prosecution witnesses have been examined till date. Hence, his further incarceration would serve no useful purpose. It has further been submitted that identically placed co-accused Rakesh has since been extended the concession of bail by this Court vide order dated 20.02.2024 (Annexure P-2).

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner is not involved in any other criminal case much less under the NDPS Act and also qua the stage of trial, however, he submits that the petitioner was one of the 04 persons, who was accompanying the main accused in his vehicle.
4. I have heard learned counsel for the parties and perused the material placed on record.
5. The investigation in the case at hand is complete as charges stand framed, however, as not disputed by the learned State counsel none of the prosecution witnesses have been examined so far. The alleged recovery affected from the vehicle of the co-accused (68 kgs of poppy husk) is just marginally higher than the minimum classified as commercial under the NDPS Act.
6. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. 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.
8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

04.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No