

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

232

**CRM-M No.17370 of 2024
Date of Decision: 16.04.2024**

JAMALUDDIN @ JAMALU**.....Petitioner(s)****Vs****STATE OF HARYANA****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Saurav Bhatia, Advocate and
Mr. Kuljinder Singh Billing, Advocate
for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.93 dated 23.03.2022 registered under Section 18-B of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added later on) at Police Station Nagina, District Nuh, Haryana.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with allegations of recovery of 198 kgs. of poppy husk.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the antecedents of the petitioner, who is involved in two other cases relating to the provisions of IPC besides huge recovery.

4. 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.
5. In the present case, the investigation has already been concluded with the filing of challan followed by framing of charges on 24.08.2023. Out of total 27 prosecution witnesses only 01 witness has been examined so far. Petitioner is not involved in any other case under the provisions of NDPS Act and is behind the bars for a period of more than 02 years. The trial is likely to take some time in its culmination.
6. Considering the fact that petitioner has already suffered incarceration for a period of more than 02 hears and the trial is likely to take sometime in its culmination, I do not find any justification to extend the incarceration of the petitioner.
7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 16, 2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No