

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-19036-2024 (O&M)
Date of Decision:-11.12.2024

Virender @ Kala... Petitioner

Versus

State of Haryana... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Madhur Jangra, Advocate and
Mr. B.S. Chahal, Advocate,
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Under Section/s
257	28.5.2022	City Bahadurgarh, District Jhajjar	420, 483, 201 of Indian Penal Code and Sections 20, 25, 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged on the basis of secret information received by the police to the effect that one Varinder @ Kala indulges in sale of contraband and that on the given day he was proceeding from Delhi to Bahadurgarh in Swift car bearing registration No.HR-10AK-0780. Upon receipt of said information the police stepped-up the vigil and was able to intercept the aforesaid vehicle. Although, the person who was driving the vehicle tried to escape but was overpowered by the police. Upon inquiry he disclosed his name as Varinder



@ Kala and search of the boot of the car led to recovery of 6 bags containing 'Ganja' total weighing 122.5 Kgs of 'Ganja'.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that, in any case, since the petitioner as of now has been behind bars since the last more than 2 years and 6 months and there has been no significant headway in the proceedings of the trial, he deserves the concession of bail.
4. Opposing the petition, learned State counsel submitted that having regard to the fact that the petitioner was caught red handed at the spot while in possession of huge quantity of 'Ganja' and is involved in 4 other cases including one case under NDPS Act, it is apparent that he is a seasoned criminal. Learned State counsel, however, has not disputed the factum of petitioner's custody being more than 2 years and 6 months. It has also been informed that as on date only 3 PWs out of the cited 29 PWs have been examined.
5. This Court has considered rival submissions addressed before this Court.
6. While it is correct that the petitioner is alleged to have been caught red-handed while in possession of 'commercial' quantity of contraband, but this Court cannot overlook the fact that the petitioner has been behind bars for a substantial period of more than 2 years and 6 months. Conclusion of trial is likely to consume time inasmuch as only 3 PWs out of the cited 29 PWs have been examined so far. Under these circumstances, further detention of the petitioner will not serve any useful purpose.
7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the



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satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.12.2024
Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No