



213

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-19392-2024 (O&M)
Date of Decision: 24.07.2024

DainiPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.S.Rana, Senior Advocate, with
Mr. Karanbir Singh Kahlon, Advocate and
Mr. Suram Singh Rana, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C”) for seeking bail pending trial in FIR No.06 dated 05.01.2023 registered under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985, (for short “NDPS Act”) at Police Station, Mahesh Nagar, District Ambala.

2. Allegations are that co-accused Ranjita wife of Daini (petitioner) and one Danvir were found in possession of 31 kg. and 160 gram of *ganja*.

3. Learned Senior counsel contends that there is no recovery alleged against the petitioner; rather he was nominated on the basis of disclosure made by co-accused Ranjita and thereafter, he surrendered himself on 04.05.2023. Also contends that out of total 18 prosecution witnesses, only two have been examined till date; thus, trial is likely to take sufficient long time.

4. *Per contra*, although learned State counsel opposed the prayer, but upon instructions, he was not able to dispute the above factual position.

5. Heard learned counsel for the parties and perused the paper book.



6. From records, it transpire that there is no recovery alleged against the petitioner; nor any incriminating material has been collected during investigation by the Police to indicate that petitioner had supplied the alleged contraband or he is connected with the same in any manner.

Concededly, petitioner is in custody since 04.05.2023 and out of total 18 prosecution witnesses, only two have been examined till date; therefore trial is likely to take sufficient long time.

7. Consequently, present petition is allowed; petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

8. Petitioner shall fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).

9. The above observations be not construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is any misuse of concession on the part of petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

Also clarified that non-appearance of petitioner before learned Special Court shall be construed as misuse of the concession of bail.

Pending criminal miscellaneous application(s), if any, shall also stand disposed off.

24.07.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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