



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-19568-2024 (O&M)
Date of Decision: 12.09.2024

SalmanPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanpreet Sandhu, Advocate,
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.150 dated 15.06.2022, under Sections 21-B and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS') registered at Police Station Chhachhrauli, District Yamuna Nagar.

2. Allegations are that co-accused Samjeeda @ Manjeeda was apprehended along with smack weighing 30 grams and petitioner's name surfaced in the disclosure of said co-accused.

3. Contends that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by co-accused Samjeeda @ Manjeeda. Also contends that alleged recovery (30 grams of smack) which is non-commercial in nature was effected from aforesaid Samjeeda @

Manjeeda who has already been granted the concession of bail pending trial



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by learned Special Court on 29.07.2022 (P-3). Again submitted that out of total 19 prosecution witnesses, none has been examined so far; therefore, there is no justification to keep the petitioner under further incarceration.

4. Above factual position is duly acknowledged by learned State counsel, but opposed the prayer for grant of bail pending trial while submitting that three more cases under NDPS Act are pending against the petitioner, though he is on bail in those cases.

5. Heard both sides and perused the paper-book.

6. It is not in dispute that petitioner was not named in the FIR; nor any recovery has been effected from him. Also not in dispute that the main accused-Samjeeda @ Manjeeda has already been granted the concession of bail pending trial by learned Special Court, Yamuna Nagar at Jagadhri. Petitioner is in custody since 10.02.2024 and till date, no prosecution witness has been examined; therefore, trial is likely to take sufficient long time and as such, further incarceration of the petitioner would not serve any purpose.

7. Consequently, present petition is **allowed**; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

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

10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to



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

12.09.2024

Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No