

Sr. No. 224

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

**CRM-M-24251-2023 (O&M)
Date of decision : 12.09.2024**

Surender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

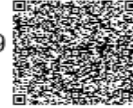
Present: Mr. A.P.S. Sandhu, Advocate for the petitioner.
Ms. Palika Monga, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.0053 dated 29.01.2022, under Sections 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Sections 27-A and 29 of NDPS Act added later on) registered at PS Sirsa City, District Sirsa.

2. Allegations are that co-accused Vinod Kumar @ Bodi and Rakesh Kumar @ Gandhi were arrested along with 40 kilograms ganja in two plastic bags (20 kilograms each) without any permit or license and petitioner's name surfaced in the disclosure made by said Rajesh Kumar @ Ruldu with allegation that said contraband was supplied by him.

3. Custody certificate dated 11.09.2024 of petitioner has been produced by learned State counsel, which is taken on record.



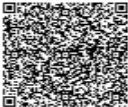
4. Learned counsel for the petitioner contends that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by Rajesh Kumar @ Ruldu, who has already been granted bail pending trial by the Coordinate Bench on 28.05.2024. Further contends that petitioner is in custody since 29.07.2022 and out of 36 PWs, only 03 have been examined till date. Thus, trial is likely to take sufficient long time.

5. *Per contra*, learned State counsel acknowledged the above factual position but vehemently opposes the prayer of the petitioner. Further submits that petitioner is involved in another case under NDPS Act in FIR No. 132 dated 11.06.2022 under Sections 20 & 25 of NDPS Act, registered at PS Sadar, Bahadurgarh, Jhajjar.

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

7. It is not in dispute that petitioner has been nominated on the basis of disclosure made by co-accused-Rajesh Kumar @ Ruldu and there is no recovery alleged against him in this case. Petitioner is in custody since 29.07.2022 and out of 36 PWs, only 03 have been examined till date. Above all main accused-Rajesh Kumar @ Ruldu has already been released by Coordinate Bench vide order dated 28.05.2024 and that has not been challenged by the State till date.

8. In view of the above, present petition is allowed. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.



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

10. The above observations be not construed as an expression of opinion on the merits of the case in any manner.

11. It is clarified that if there is any recurrence or misuse of concession on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

12.09.2024

Harish Kumar

**(MAHABIR SINGH SINDHU)
JUDGE**

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