



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-25994-2024

Date of decision: 24.09.2024

Jagdish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhishek Sindhwani, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.287 dated 15.05.2023 under Sections 186, 353, 336, 427 of the IPC and Sections 15(c), 27 and 29 of the NDPS Act, 1985 registered at Police Station Sadar, Bhiwani, District Bhiwani.

2. Learned counsel for the petitioner, inter alia, contends that the petitioner was just accompanying the co-accused in the vehicle from which a recovery of 68 kilograms of poppy husk was allegedly affected. It has been submitted that after the petitioner was arrested on 15.05.2023, not only had the challan been presented but even charges framed, and till date only one prosecution witness, out of the 22 cited by the prosecution had been examined. Hence, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer



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and submissions made by the counsel opposite, on instructions, has not disputed that the petitioner is not involved in any other case under the NDPS Act. However, he submits that the petitioner was seated the vehicle in question when it was intercepted by the police and the alleged recovery affected. It has also not been disputed, on instructions, that the case has been repeatedly adjourned ever since the charges were framed on 02.02.2024 on account of the non-appearance of the prosecution witnesses. It has still further not been disputed that identically placed co-accused Bhairu Lal has since been extended the concession of bail by this Court vide order dated 19.04.2024 (Annexure P-4).

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The investigation in the case at hand is complete as concededly charges stand framed, however, as not disputed by the learned State counsel, on instructions, only one prosecution witness has been examined so far. The alleged recovery of poppy husk affected from the vehicle of the co-accused Jagdish is just marginally higher than the minimum classified as commercial under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed



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to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

24.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No