

2024:PHHC:085829



221.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31506-2024

Date of decision: 10.07.2024

Rafiq

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. M.D. Khan, Advocate, and
Dr. Kirandeep Kaur, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.41, dated 19.01.2024, registered under Section 20 of NDPS Act, 1985 at Police Station Ballabhgarh, District Faridabad.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. The alleged recovery of 10.530 kgs of *ganja patti*, has been effected from the possession of co-accused Parkash. Petitioner was not named in the FIR. It is on the basis of disclosure statement of said co-accused, petitioner has been nominated in the present FIR. Even otherwise, said co-accused Parkash has already been granted the concession of regular bail by this Court vide order dated

22.05.2024 passed in CRM-M-24935 of 2024. Petitioner is in custody since 09.05.2024 and trial in the case will take long time to conclude as no witness has been examined so far. There is no other case against the petitioner.

3. Mr. Rajiv Sidhu, DAG, Haryana, has appeared in this case in pursuance of the notice of the instant petition having been sent to the respondent-State in advance. Though learned State counsel has opposed the bail but he, on instructions from ASI Jaffrudin, does not dispute the custody and the fact that co-accused has already been granted bail by this Court. He has fairly submitted that recovery of 10.530 kgs of *ganja patti* has been effected from the co-accused Parkash only. Challan in the case was presented on 18.04.2024 and charges are yet to be framed. The petitioner is not found to have been involved in any other case.

4. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

5. Considering the fact that the petitioner is custody for the last two months, no recovery has been effected from the petitioner, co-accused has already been granted bail by this Court, trial in the case will take long time to conclude, this Court deems it appropriate to grant regular bail to the petitioner.

6. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on

regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Duty Magistrate.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

July 10, 2024
sanjeev

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