



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-32082-2024 (O&M)
Date of Decision:- 15.07.2024

Harsh Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.P.Sharma, Advocate, for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
286	24.07.2023	Sadar Narnaul, District Mahendergarh	20, 29 and 61 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

- The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
- The allegations, in nutshell are that one motorcycle bearing registration No.HR-36-R-7105 was found parked near a bridge on Rewari-Narnaul road. Upon checking the said motorcycle, 21.994 Kgs of ‘ganja’ was recovered. During the course of investigation it was found out that the said motorcycle was registered in the name of



Rohtash. Upon inquiries, it transpired that Rohtash had sold the motorcycle to one Banti. When inquiries were made from aforesaid Banti, he disclosed that he had given the motorcycle to one Suresh, Mechanic for the purpose of selling the same. When aforesaid Suresh was contacted, he said that he had sold the motorcycle to present petitioner-Harsh Kumar.

3. Learned counsel for the petitioner submitted that no recovery whatsoever was ever effected from the petitioner and that the petitioner is being nominated on the basis of some statements made by Suresh, Mechanic to the effect that he had sold the motorcycle though as per the record it is one Rohtash who is the registered owner of the motorcycle.
4. Learned counsel further submitted that in any case two other accused namely Kunal and Pankaj have already been granted the concession of regular bail.
5. Opposing the petition, learned State counsel submitted that during the course of investigation, affidavit of one Suresh had been collected which showed that he had sold the vehicle to the present petitioner. Learned State counsel has however, informed that the petitioner as on date, has been behind bars since the last 7 months and 25 days and that as on date none out of the cited 23 PWs has been examined.
6. This Court has considered the rival submissions addressed before this Court.



7. Having regard to the custody of the petitioner and the fact that trial has virtually not commenced inasmuch as no PW has been examined and while also bearing in mind that two other co-accused namely Kunal and Pankaj have already been released on bail, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.07.2024
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(GURVINDER SINGH GILL)
JUDGE

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