



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-33663-2024

Date of decision: 22.07.2024

Surender alias Sunder

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sukesh Kumar Jindal, 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.251 dated 23.04.2024 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Chandni Bagh, Panipat.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 23.04.2024 for having allegedly been found in possession of 5.3 kgs of ganja which is much less than the minimum classified as commercial under the NDPS Act. Learned counsel has submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. It has also been submitted by the learned counsel that since investigation in the present case is complete as challan stands presented, his further incarceration would serve no useful purpose as



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the trial would take considerable time to conclude moreso, when charges are likely to be framed only on the next date i.e. 12.08.2024.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Sajjan, has not been able to dispute that the petitioner is not involved in any other criminal case much less under the NDPS Act; it has also not been dispute that the alleged recovery effected from the petitioner is less than the commercial classified under the NDPS Act. Furthermore, learned State counsel on instructions has also not been able to dispute the stage of trial and has further submitted that as many as 17 prosecution witnesses have been cited. Learned State counsel, however, has contended that a secret information was received qua the petitioner and he was apprehended at the spot carrying the recovered contraband i.e. 5.3 kgs of ganja which had been packed in a carry bag.

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

5. The petitioner has been in custody since 23.04.2024. The possibility of the trial concluding in the near future seems unlikely in view of the charges not having been framed coupled with the fact that as many as 17 prosecution witnesses have been cited by the prosecution. Concededly, the petitioner is not involved in any other criminal case much less under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court 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 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.

22.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No