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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37697-2023 (O&M)
Date of decision: 11.01.2024

Gurdass @ Guru		...Petitioner
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Choudhary, Advocate
 for the petitioner.

 Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of bail under Section 439 Cr.P.C. in case FIR No.433 dated 16.08.2022 under Section 21(c), 27A, 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Fatehabad, District Fatehabad.
2. Learned counsel for the petitioner *inter alia* contends that after the petitioner was arrested on 17.09.2022 pursuant to a disclosure made by co-accused Ramneek, who too had been nominated as an accused by accused Amandeep, who was nabbed along with 255 grams of heroin, not only the challan has been presented but even the charges framed. However, the trial has not made any progress as none of the 23 prosecution witnesses have been examined so far. Learned counsel further submits that on being arrested on 17.09.2022, no contraband muchless heroin, which as per the disclosure statement made by the co-accused, had been procured from the petitioner had been recovered from him, which lent credence to his false

implication in the case in hand.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not been able to dispute that the investigation in the case in hand is complete and the prosecution evidence has yet not commenced. It has not been disputed that the name of the petitioner surfaced in the second disclosure statement made by co-accused Ramneek. However, learned State counsel has submitted that prior to the registration of the present case, the petitioner was also involved in another case under the NDPS Act, however, concededly in that case the recovery effected was 35 grams of heroin (small quantity).

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

5. In the facts and circumstances as enumerated hereinabove, it is unlikely that the trial would conclude anytime in the near future as the next date fixed before the trial Court is 15.01.2024, when the prosecution evidence is likely to commence; the instant petition is accordingly allowed. The petitioner be admitted to bail 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.

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

11.01.2024

Satyawan

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No