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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(268) CRM-M-36854-2024
Date of Decision: 30.08.2024

RakeshPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Brijender Kaushik, Advocate, for the petitioner.

Mr. Shivender Swaroop, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)

[1] By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail in case FIR No.136 dated 11.04.2024, registered under Sections 18, 20, 27(a) of NDPS Act, 1985 and 42 of Prisons Act, 1894 at Police Station Hissar Civil Lines, Hissar, Haryana, wherein the petitioner has been implicated against alleged recovery of 15 Grams of Opium and 20 Grams of Charas.

[2] Status report by way of affidavit of Deputy Superintendent of Police, Detective, Hisar, has been filed by the learned State counsel today in Court. The same is taken on record.

[3] On the other hand, the prayer made herein has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner who is stated to be involved in three more cases.

[4] I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

[5] In the present case, investigation stands concluded with the filing

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of *challan*. The trial is likely to take some time. The petitioner has been implicated on the basis of disclosure made by co-accused Surender and Naresh. No recovery has been effected in the present case from the petitioner. Moreover, with regard to other three cases, admittedly the petitioner stands acquitted in 2 cases whereas, he is on bail in 3rd one.

[6] Considering the aforesaid facts, this Court does not find justification to extend the incarceration of the petitioner any further.

[7] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

[8] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

(HARKESH MANUJA)
JUDGE

30.08.2024

anil

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