



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 43495 of 2024 (O&M)
Date of Decision: 19.10.2024

Surender Singh
..... Petitioner

Versus

State of Haryana
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana
for the respondent.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present (second) petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.136 dated 11.04.2024, under Sections 18, 20 & 27-A (Act No. 61) of NDPS Act and Section 42 of Prisons Act, 1894, registered at Police Station Hisar Civil Lines, Hisar, District Hisar, wherein he has been implicated with the allegations of having supplied a packet containing 14.44 grams of *opium* and 19.05 grams of *charas* to one of the prisoners, namely, Rajender.

[2] Learned counsel for the petitioner submits that petitioner is in custody since 11.04.2024; the trial of the case will take long time; the recovered contraband falls under the category of non-commercial quantity, besides it, co-accused-Rakesh has already been granted the concession of regular bail by this Court vide order dated 30.08.2024 (Annexure P-1)

passed in CRM-M-36854-2024, titled “***Rakesh Versus State of Haryana***”, thus, prayer is for grant of regular bail to the petitioner.

[3] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while referring to the antecedents of the petitioner and also submits that the petitioner happens to be Jail Warder and in circumstances of such serious nature, he does not deserve the concession of regular bail being custodian of jail.

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

[5] In the present case, the petitioner is behind the bars since 11.04.2024, i.e. for the last more than six months by now; the investigation already stands concluded with the filing of challan and the conclusion of trial may take some time, besides it, the recovery involved in the present case falls under the category of non-commercial quantity. Also, the co-accused- Rakesh has already been granted the concession of regular bail by this Court vide order dated 30.08.2024 (Annexure P-1). Moreover, admittedly, the petitioner is not involved in any other case falling under the NDPS Act. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

[6] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

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

October 19, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No