

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209 CRM-M-48027-2023
Date of Decision.:04.04.2024

ParkashPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. P.K. Jhanda, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.180 dated 02.03.2023 registered under Section 20 of NDPS Act registered at Police Station Samalkha, District Panipat.

2. As per prosecution allegations, 24 kg 200 gms of Ganja was recovered from the possession of the petitioner on 02.03.2023.
3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that recovered quantity of contraband is marginally higher than the commercial category; that petitioner is in custody for the last more than one year and trial is not proceeding further as not even a single witness has been examined so far. Learned counsel prays for grant of regular bail to the petitioner.
4. Learned State counsel opposed the petition on the ground that

recovered quantity of contraband falls in the commercial category. However, it is conceded by learned State counsel that out of 14 witnesses cited by the prosecution, not even a single witness has been examined so far. Thus trial is likely to take long time to conclude. The custody certificate placed on record by learned State counsel reveals that petitioner is in custody for the last 01 year and 29 days. He has no other criminal case pending against him.

5. Having regard to all the above facts and circumstances, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

6. As such, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

April 04, 2024
Neetika Tuteja

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