



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-46365-2024
Date of decision: September 23rd, 2024

Suraj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sahil Goel, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.10 dated 07.01.2024 under Section 15(C) of the NDPS Act, registered at Police Station Civil Lines, Sirsa.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 07.01.2024 and even though challan stands presented and charges stand framed, however, till date none of the 11 prosecution witnesses have been examined, hence, there is no possibility of the trial concluding in the near future. Learned counsel has submitted that even otherwise he has been falsely implicated in the present case; allegedly the petitioner along with two others were apprehended by the police along with 80 kilograms of poppy husk and thereafter implicated as accused in the present case. Learned counsel has argued that the petitioner was neither the owner of the vehicle from

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which the alleged recovery was effected nor does he have criminal antecedents which further lends credence to his false implication in the present case.

3. *Per contra*, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the stage of trial and the factum of the petitioner not being involved in any other criminal case, however, learned State counsel on instructions has submitted that a specific secret information was received qua the petitioner and the co-accused that they were travelling together in a car in which some poppy husk was being transported; when the car of the accused was intercepted, after due compliance of the mandatory provisions of the NDPS Act, the alleged recovery of 80 kilograms of poppy husk was effected.

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

5. The petitioner and co-accused were allegedly apprehended with 80 kilograms of poppy husk. The investigation in the case at hand is complete, charges stand framed, however, since none of the prosecution witnesses have been examined, the trial would take considerable time to conclude. 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



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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.

September 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No