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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Decided on : 07.02.2024

CRM-M-52366-2023

Vikin @ Vicky Petitioner

Versus

State of Haryana Respondent

CRM-M-64875-2023

Aniket @ Bittu Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rohit Mittal, Advocate
for the petitioner in CRM-M-52366-2023.

Mr. Sourabh Sheoran, Advocate
for the petitioner in CRM-M-64875-2023.

Ms. Trishanjli Sharma, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

This order shall dispose of above-said two criminal petitions as both of them have arisen out of the same FIR. Brief facts of the case are taken from 52366-2023.

2. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.640 dated 09.09.2023

under Section 20 of NDPS Act, 1985 registered at Police Station City Narnaul District Mahendergarh.

2. Learned counsel for the petitioner Vikin @ Vicky *inter alia* contends that a false and fabricated case has been planted upon the petitioner for being found in possession of 1 kg 915 grams of Ganja (non-commercial quantity) on 09.09.2023. Learned counsel submits that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act, which lends credence to his implication in a false case. It has been further submitted that after he was arrested on 09.09.2023, challan stood presented, however, trial had not proceeded any further; there was no likelihood of the trial concluding in the near future. Hence, he deserved to be enlarged on bail.

3. Learned counsel for the petitioner Aniket @ Bittu *inter alia* contends that the petitioner has clean antecedents and he came to be nominated as an accused on a disclosure statement allegedly made by co-accused Vikin @ Vicky from whom recovery of 1 kg 915 grams of contraband was effected. It has been submitted that since the challan stands presented and charges have not yet been framed, there is no possibility of the trial concluding in the near future and hence, his further incarceration would serve no useful purpose.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner(s) has not disputed the

submissions made by the counsel opposite qua both the petitioners having clean antecedents. Learned State counsel has also not been able to dispute that the recovery effected from the petitioner Vikin @ Vicky has been classified as non-commercial under the Act. Learned State counsel on instructions has also not disputed that on being arrested on 09/10.09.2023, no recovery of any contraband was effected from the petitioner Aniket @ Bittu except for one motorcycle, which was used to transport the recovered contraband. Learned State counsel on further instructions has submitted that as many as 16 witnesses have been cited by the prosecution and the next date of hearing fixed before the trial court is 13.03.2024 when the charges are likely to be framed.

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

6. The petitioner has been in custody since 09/10.09.2023. The investigation in the case in hand is complete as challan stands presented. The trial has not progressed as charges are yet to be framed.

7. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. 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.

8. 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.
9. 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.

07.02.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No