

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-52775-2023

Date of decision: 20.02.2024

Rakesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhishek Sindhwani, Advocate for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.287 dated 15.05.2023 under Sections 186, 353, 336, 427 of the IPC and Sections 15(c), 27A, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Bhiwani.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has clean antecedents, was just accompanying co-accused Jagdish in his vehicle from which recovery of 68 kgs of poppy husk was allegedly effected. Learned counsel has submitted that the petitioner has now been in custody since 15.05.2023 and after the charges were framed on 05.10.2023, none of the 20 witnesses cited by the prosecution had been examined, hence, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not

disputed that the petitioner is not involved in any other criminal case much less under the NDPS Act and also qua the stage of trial, however, she submits that the petitioner was one of the 04 persons, who was accompanying the main accused Jagdish in his vehicle.

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

5. The investigation in the case at hand is complete as charges stand framed, however, as not disputed by the learned State counsel none of the prosecution witnesses have been examined so far. The next date fixed before the Trial Court is 22.03.2024 when prosecution evidence is likely to commence. The alleged recovery effected from the vehicle of the co-accused (68 kgs of poppy husk) is just marginally higher than the minimum classified as commercial under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court thus 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 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.

20.02.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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