

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53010 of 2023
Date of decision: 23.05.2024

Satnam @ Sonu @ Soni

.....Petitioner

versus

State of Haryana

.....Respondent

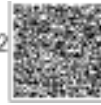
CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Monty Goyal, Advocate,
for Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Instant second petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.1204 dated 01.10.2022 under Sections 21C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Hisar, District Hisar (Haryana).
2. Brief facts of the case are that present FIR was registered against co-accused of the petitioner, namely, Anil Kumar as he was found in conscious possession of 255 grams of heroin. During investigation, co-accused Anil Kumar suffered a disclosure statement that petitioner was the supplier of the recovered contraband. Thus, petitioner was arrested in this case on 04.10.2022.



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He has been nominated in the FIR on the basis of second disclosure statement made by co-accused Anil Kumar, who has already been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 10.10.2023 (Annexure P-4) passed in CRM-M-30525 of 2023 titled as Anil Kumar Vs. State of Haryana. He further submits that alleged recovery has been effected from co-accused Anil Kumar. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 29 witnesses none has been examined till date. He submits that petitioner is in custody since 04.10.2022. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel while placing on record the custody certificate dated 23.05.2024 has opposed the prayer for grant of regular bail to the petitioner. He submits that petitioner is a habitual offender, therefore, he is not entitled to grant of regular bail. However, he has not disputed that co-accused Anil Kumar has been granted the concession of regular bail by a Co-ordinate Bench of this Court; investigation in the present case is complete; challan has been presented; charges have been framed; out of total 29 witnesses none has been examined till date and custody of the petitioner is 01 year 07 months and 20 days.

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

6. Keeping in view the custody of the petitioner, which is 01 year 07 months and 20 days; co-accused Anil Kumar has already been granted



the concession of regular bail; investigation is complete; challan has been presented; charges have been framed and out of 29 witnesses none has been examined till date and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

23.05.2024
Satyawar

(NAMIT KUMAR)
JUDGE

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