

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

226

**2024:PHHC:019305
CRM-M-58148-2023 (O&M)
Date of decision: February 12, 2024**

SANDEEP

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.S. Siwach, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-2843-2024

The instant application has been filed under Section 482 of the Code of Criminal Procedure for placing on record interim orders dated 18.07.2023, 21.07.2023, 21.09.2023 and 02.11.2023.

For the reasons mentioned in the application, the same is allowed and the said orders are taken on record.

CRM-M-58148-2023

1. The instant petition is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.962 dated 24.12.2022 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (subsequently added Sections 20B, 2C, 29, 61, 85 of the NDPS Act, 1985), registered at Police Station Rohtak City, District Rohtak.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 24.12.2022, however, after the challan was

presented, the trial had not proceeded any further and it was only as recently as on 20.01.2024, the charges were framed. Learned counsel has further submitted that after the framing of charges, the trial Court had adjourned the case to 07.06.2024 for recording of evidence and hence, it was abundantly clear that the trial was not likely to conclude in the near future.

3. It has been further submitted that even otherwise, the recovery effected from the petitioner, though classified as 'commercial', was just marginally higher than the minimum commercial quantity classified under the NDPS Act.

4. *Per contra*, while opposing the prayer and submissions made by the learned counsel for the petitioner, learned State counsel, on instructions, has informed the Court that the recovery effected from the petitioner was 1 kg 120 grams of *charas*; he has previously also been involved in another case under the NDPS Act, however, therein the recovery effected was 150 grams of *ganja*, which has been classified as small quantity. Learned State counsel has not disputed that though the petitioner was arrested on 24.12.2022, though the challan was presented on 18.07.2023, the charges were framed only recently on 20.01.2024 and thereafter, the case had been adjourned to 07.06.2024. She, on further instructions, has informed the Court that as many as 24 witnesses have been cited by the prosecution and 3 out of those witnesses have been summoned for next date before the learned trial Court.

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

6. There is no possibility of the trial concluding in the near future as the prosecution evidence would commence only on 07.06.2024. The alleged

recovery effected from the petitioner is just marginally higher than the minimum classified as 'commercial' under the NDPS Act. As on date, the petitioner is not stated to be involved in any other criminal case, much under the NDPS Act.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude. The petition as such is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

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 here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

February 12, 2024

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No