

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219 CRM-M-61305-2023
Date of Decision.:26.02.2024

AbhishekPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.304 dated 10.07.2022 registered under Section 20(C) of NDPS Act, 1985 registered at Police Station Sampla, District Rohtak (Haryana).

2. This is the second petition. The earlier petition bearing No.CRM-M-26860-2023 was dismissed as withdrawn vide order dated 17.08.2023 (Annexure P-2).
3. As per the allegations, 73.5 kg of Ganja was recovered kept in 06 plastic bags in the rear seat of a Silver Toyota Corolla Car, which was occupied by petitioner and one Varun.
4. Learned counsel for the petitioner contends that since the dismissal of the earlier petition, the trial has not proceeded further at all as not even a single witness has been examined so far and the custody period of

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the petitioner is now more than 01 year and 07 months. Learned counsel further contends that petitioner has been falsely implicated in the present case.

5. Learned State counsel has opposed the petition by pointing out towards the commercial quantity of contraband as recovered from the petitioner. However, it is conceded by learned State counsel that petitioner is in custody for the last 01 year 07 months and 08 days as per the custody certificate placed on record. It is also conceded that petitioner has no other criminal case pending against him. It is also informed by learned State counsel that after filing of the challan, charges have already been framed and that out of 24 witnesses cited by the prosecution, not even a single witness has been examined so far.

6. Having regard to the above facts and circumstances, particularly the custody period of the petitioner and the fact that he has no criminal antecedents and trial may take time to conclude but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

February 26, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No