

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-63396-2023 (O&M)
Date of Decision:- 16.04.2024

RAHUL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Satbir Singh Gill, Advocate for the petitioner.
Mr. Vishal Malik, DAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
350	26.06.2023	21(b) and 27-A of the NDPS Act, 1985	Sadar Fatehabad, District Fatehabad

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner was allegedly apprehended by the police on 26.06.2023 and a recovery of 19.15 grams of heroin was effected from him, which is not commercial in nature and since then he is in custody. He submits that challan has already been presented in Court and charges stand

framed. However, out of 17 witnesses cited by the prosecution none has been examined so far. He thus prayed for grant of regular bail to the petitioner.

3. Learned State counsel has opposed the bail petition of the petitioner by arguing that 19.15 grams of heroin had been recovered from the conscious possession of the petitioner. He has, however, not disputed the factual matrix and submits that challan has been presented in Court and no witness has been examined as of now.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that on 26.06.2023, on the basis of suspicion, the petitioner was apprehended and upon his personal search, recovery of 19.15 grams of heroin was effected from him. The said recovery is not commercial in nature. Admittedly, challan has been presented in Court and charges have been framed, however, out of 17 witnesses cited by the prosecution, none has yet been examined. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court;

and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

16.04.2024

S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |