



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

CRM-M-19194-2024

Date of decision: 19.02.2025

Vinod Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Harshit S. Nain, Advocate and
Ms. Anisha Sharma, Advocate for the petitioner.

Mr. Sulinder Kumar, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking grant of regular bail in case having FIR No.107 dated 10.04.2023, under Sections 22(c), 29 and 61 of NDPS Act, Police Station Kalka, Panchkula (Annexure A-1).

2. As per prosecution version, police apprehended co-accused Manoj Kumar and recovered commercial quantity of medical intoxicants from him on 10.04.2023. Thereafter, said Manoj Kumar named one Amit son of Sumer and resultantly, Amit was arrested on 12.04.2023. Said Amit suffered disclosure statement which resulted into arrest of the present petitioner on 14.04.2023. The present petitioner effected recovery of two boxes containing 30 strips each and total 480 capsules of medical intoxicants and the said contraband was found to be covered under commercial quantity.

3. The counsel for the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case on the basis of disclosure statement suffered by co-accused Amit from whom, no recovery of contraband was effected by the police. It is further submitted that the recovery was planted on the petitioner by the police and actually, at the relevant time, the petitioner was an employee in a chemist shop. It is further submitted that the petitioner is in custody for the last more than 1 year and 10 months and is not involved in any other criminal case and further it will take time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail, pending trial. In support of his contentions,



the counsel for the petitioner has referred to order passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.8557/2024 titled ***Sabat Mehtab Khan Vs. State of Maharashtra***, dated 03.09.2024 wherein recovery of commercial quantity of heroin was recovered from the petitioner therein and he was granted regular bail on the ground that he had already undergone about 1 year and 6 months of custody and was having no criminal antecedents.

4. The present petition is resisted by the State counsel who submits that commercial quantity of contraband was recovered from possession of the present petitioner and the same is covered by rigors of Section 37 NDPS Act. However, the State counsel has not disputed the fact that petitioner was not named in the FIR and later on, nominated as an accused on the basis of disclosure statement suffered by co-accused Amit from whom, no contraband was recovered. The State counsel has also not disputed that the petitioner is incarcerated for the last about 1 year and 10 months and is having no criminal antecedents and that till date, only 1 witness is examined out of 22 witnesses on behalf of the prosecution.

5. Admittedly, the petitioner is behind bars for the last 1 year and 10 months and is having no criminal history and it will take time for the trial to terminate. The delay in trial is not at all attributed to the present petitioner. Thus, further incarceration of the petitioner would be violative of his right to fair and speedy trial enshrined under Article 21 of the Constitution of India and rigors of Section 37 NDPS Act can be diluted keeping in mind the right to speedy trial.

6. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.02.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No