

2025:PHHC:010324



246.

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

CRM-M-58521-2024

Date of decision: 23.01.2025

Sanjay Kumar @ Kandi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gaurav Vir Singh Behl, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is third petition that has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in case FIR No.495, dated 21.10.2023, under Section 21 of NDPS Act, 1985, registered at Police Station Parao, District Ambala.

Learned counsel for the petitioner submits that the petitioner has now been in custody since 21.10.2023 in an apparent case of false implication. It has been contended that although secret information was allegedly received qua the involvement of the petitioner and co-accused Jaswant Singh @ Bholu, however, recovery of 260 grams of heroin was effected not from the petitioner but from the co-accused. It has also been contended by the learned counsel that the petitioner has no previous criminal antecedents, much less being involved in a case under the NDPS

Act, which further lends credence to his innocence. Learned counsel has also urged that in the given circumstances, more so when not only challan stands presented and after the charges were framed on 11.07.2024, none of the 14 prosecution witnesses have been examined so far, he deserves to be enlarged on bail; the trial is being delayed on account of the repeated non-appearances of the prosecution witnesses, who, in the present case, are all police officials.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that none of the 14 prosecution witnesses have been examined till date after the charges were framed on 11.07.2024. However, learned State counsel, on instructions, has submitted that a specific secret information had been received qua the involvement of the petitioner and co-accused in drug trafficking; pursuant to the secret information both, the petitioner and co-accused Jaswant Singh @ Bholu, were intercepted, leading to the recovery of 260 grams of heroin from the co-accused and a recovery of a weighing scale along with small plastic sachet and drug money in the sum of Rs.1,000/- from the petitioner, from which, an inference can be drawn that the petitioner was also involved into drug smuggling.

However, on a pointed query, learned State counsel has not been able to dispute that the petitioner has no previous criminal antecedents.

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

The petitioner has been in custody for the past 1 year and 03 months having been arrested on 21.10.2023; no recovery of any contraband was made from him pursuant to the alleged secret information received; as also not disputed by the learned State counsel none of the 14 prosecution witnesses have been examined so far after the charges were framed on 11.07.2024, for reasons not attributable to the petitioner.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

January 23, 2025
sanjeev

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