



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

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CRM-M-60184 of 2024 (O&M)

Date of decision : 26.03.2025

Ankit

... Petitioner

Versus

State of Haryana.

.. Respondent

CORAM :HON'BLE MR. JUSTICE H.S. GREWAL

Present:- Mr. Ritesh Tomar, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

H.S. Grewal, J.

The petitioner is seeking regular bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in FIR No.138 dated 08.03.2022 under Sections 18A, 18(c), 27, 28 of Drugs and Cosmetics Act, 1940 and Section 22(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Kheripul, Faridabad, Haryana.

2. It is alleged that 46 injections of Buprenorphine IP Leegesic of 2 ml each (total 92 ml) and six injections of Pheniramine Maleate IP Avil were recovered.

3. Learned counsel for the petitioner contends that the trial is not making any headway and the petitioner is in custody since 08.03.2022 which comes out to be approximately 03 years and 18 days. He further contends that the prosecution witnesses (PWs) are not appearing before the trial Court concerned for recording of their evidence. In order to support his contentions, he has annexed a copy of orders dated 17.09.2024, 09.10.2024 and 11.11.2024 (Annexure P-5) passed by the trial Court concerned. He further contends that the remaining PWs who are the police officials are not appearing before the trial Court concerned inspite of them having been summoned through ACP concerned for the date fixed. In a recent order dated 10.03.2025 passed by the trial Court concerned, no PW was examined and the matter



now stands adjourned to 15.07.2025 whereby it is stated that the summons issued against the said witnesses were not served properly and now all the PWs have been directed to be summoned through ACP concerned failing which the executing constable to appear to explain the reasons.

4. On the other hand, learned counsel for the State vehemently opposes the grant of concession of regular bail while pointing out that it is a case of recovery falling in commercial quantity. He has placed a copy of custody certificate dated 25.03.2025 which is taken on record. He submits that out of total 15 Prosecution witnesses (PWs), 07 PWs have been examined and 08 PWs who are all police officials, are yet to be examined.

5. I have heard learned counsel for the parties and have gone through the paper book. It is found surprising that when the witnesses are police officials, they are not appearing for recording of their evidence in support of the case of the prosecution before the Court concerned and therefore, the trial is being delayed on account of the prosecution itself.

6. In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over three years and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned. The pending applications, if any, also stand disposed of.

26th March, 2025

Sonia Puri

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No