

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

2025:PHHC:023848



(107+240)

**CRM-M-63186-2024(O&M)
Date of Decision: 18.02.2025**

Ramesh Chander

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Raman Chawla, Advocate for petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL.J (Oral)

CRM-4939-2025

Application is allowed as prayed for.

Annexure P-5 is taken on record.

CRM-M-63186-2024

The petitioner is seeking the concession of regular bail, filed under Section 483 of BNSS, in case FIR No.286, dated 08.04.2023, under Sections 20(b)(ii) c (C) and 27-A of N.D.P.S Act, registered at Police Station, Barwala, District Hisar.

Learned counsel for the petitioner has submitted that petitioner has been languishing in custody since 08.04.2023 after he was apprehended following an alleged secret information received by the police, leading to the recovery of 2.50 kgs of Charas. Counsel has submitted that petitioner has been falsely implicated in the present case. It has further been urged that even though charges were framed way back on 08.12.2023, however,

till date none of the 23 prosecution witnesses has been examined. Hence, on this ground alone the petitioner deserves to be extended the concession of bail as there is no likelihood of the trial concluding in near future. It has also been submitted that the delay in conclusion of trial is for reasons attributable to the prosecution. In support of his contentions, counsel has placed reliance upon ***Ram Lal Vs. State of Rajasthan (SLP(Crl.) No.9510/2024 decided on 17.09.2024*** and ***Dheeraj Kumar Shukla Versus State of Uttar Pradesh (SLP(Crl.) No.6690/2022), decided on 25.01.2023***, wherein Hon'ble the Supreme Court enlarged the accused on bail even though the recovery allegedly effected from them had been classified as commercial under the NDPS Act on account of inordinate delay in conclusion of the trial.

On a pointed query put to learned counsel as to whether the petitioner is facing trial in any other criminal case, he has categorically replied in negative.

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 23 prosecution witnesses has been examined till date; even though, charges were framed more than one year back on 08.12.2023. State counsel has also not disputed that the petitioner has no previous criminal antecedents. However, it has been asserted by learned State counsel that the recovery effected from the petitioner i.e. 2.50 kgs of Charas has been classified as commercial under the NDPS Act.

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

The petitioner has been in custody since 08.04.2023. The trial has been prolonged for reasons not attributable to the petitioner but to the prosecution alone thereby comprising with the constitutional right of the petitioner to a speedy and fair trial.

Hon'ble the Supreme Court in *Dheeraj Kumar Shukla's case (supra)* has observed as under:-

“....It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to grant 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

18.02.2025

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