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

216 **CRM-M- 45323-2024(O&M)**
**Date of Decision: 04.02.2025**

Dinesh Kumar .....Petitioner

Versus

State of Haryana .....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present**: Mr. Vishwajeet, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

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**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in FIR No.70 dated 28.03.2024, registered under Sections 20 and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act') and Section 201 of Indian Penal Code, 1860 (for short, 'IPC'), at Police Station Julana, District Jind.

2. Allegations are that co-accused, namely, Deepak and Manoj were apprehended along with 50.300 kilograms of *Ganja* and petitioner's name surfaced in the disclosure of said co-accused(s) wherein it was stated that they were indulged in sale and purchase of *ganja*.

3. Status report by way of affidavit dated 31.01.2025 of Mr. Jitender Kumar, Deputy Superintendent of Police, Law and Order Jind, on behalf of respondent has been filed and the same is taken on record. Copy supplied to the other side.

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Registry to tag the same at appropriate place.

4. Contends that petitioner is in custody since 10.05.2024; he was not named in the FIR nor any contraband has been recovered from him; rather he was nominated on the basis of disclosure made by co-accused, namely, Deepak and Manoj; final report under Section 173 Cr.P.C has already been presented; charges were framed by the learned trial Court on 26.11.2024; Specifically contends that except the disclosure of the aforesaid co-accused, there is no material with the Police regarding his complicity. Lastly contends that out of total 19 prosecution witnesses, none has been examined till date; thus, conclusion of trial will take sufficient long time.

5. *Per contra,* learned State counsel vehemently opposed the prayer while submitting that whatsapp calls retrieved by the Police during investigation clearly indicate the complicity of petitioner.

6. Heard both sides and perused the paper-book.

7. To a pointed query as to whether any transcript is available with the Police regarding the conversation of petitioner with the co-accused, the answer is in negative. As on today, except disclosure of the co-accused, there is no material regarding the complicity of petitioner.

Petitioner is in custody since 10.05.2024; final report under Section 173 Cr.P.C has already been presented; charges were framed by the learned Special Court on 26.11.2024 and out of total 19 prosecution witnesses, none is examined till date; therefore, conclusion of trial may take sufficient long time; hence further incarceration would not serve any purpose.

8. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

**04.02.2025** **(MAHABIR SINGH SINDHU)**
Rajeev (rvs)/SN **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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