IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

CRM-M-46564-2024
Decided on : 23.01.2025

NARENDER JEET

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: MS. Prabhjot Kaur, Advocate,
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana, and
Ms. Mayuri Lakhanpal Kalra, DAG, Haryana.

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SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed for grant of regular bail to the petitioner – Narender Jeet, aged about 25 years, who has committed the offence punishable under Sections 15(c), 29, 61/85 of the NDPS Act, 1985, in FIR No.333, dated 18.11.2023, registered at Police Station Uchana, District Jind, during the pendency of trial.

2. Counsel for the petitioner contends that:-

(i) Petitioner is not involved in any other similar activity;

ii) The only allegation against the petitioner is that at the time of raid, petitioner was sitting over one of the bag, which was weighing about 20 kgs of poppy husk;

iii) Total quantity has been counted with the implication of total 9 accused and 6 of them, have been arrested on the spot;

iv) Case of the prosecution is that all the bags are weighing total 220 kgs of poppy husk;

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v) question of the conscious possession is yet to be decided by proving that the bags lying on the spot at the time of raid over which allegedly the petitioner was sitting, was belonging to him, coupled with the knowledge of the contraband in it; and

vi) at best, petitioner can be attributed by the prosecution with the role of having possession of the bag weighing 20 kgs, which would amount the non-commercial quantity.

vii) Investigation has already been completed and final report has also been submitted along with the list of total 24 prosecution witnesses. Only one of them has been examined, and remaining 23 are yet to be examined.

viii) The completion of trial is likely to take a long time.

ix) Petitioner is inside the jail since 24.11.2023.

3. Thus, counsel for the petitioner prays for grant of regular bail to the petitioner.

4. On the other hand, learned State counsel, while opposing the prayer made by counsel for the petitioner, submits that huge quantity of contraband, which is commercial in nature, has been recovered at the time of raid.

5. The status of trial is also confirmed by learned State counsel and by filing the custody certificate of the petitioner dated 21.01.2025, submits that petitioner is inside the jail for an actual period of 1 year 1 month and 28 days.

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6. However, learned State counsel is not in a position to explain that once, the accused/petitioner is not involved in any other case, for what purpose he is required to be kept inside jail.

7. Considering the aspects and circumstances, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

23.01.2025
Lavisha

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

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