



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

234

CRM-M-5722-2025

Date of decision: July 8th, 2025

Anil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed by the petitioner seeking the concession of regular bail in FIR No.186 dated 20.09.2023 registered under Sections 22(c), 27-A/29 of The NDPS Act, at Police Station Baragudha, District Sirsa.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case pursuant to a disclosure statement allegedly suffered by co-accused Manish Kumar and Ajay Kumar following their apprehension on the basis of a secret information, and a recovery of 1000 intoxicant tablets. Learned counsel has submitted although a secret information had been received qua the involvement of co-accused Manish Kumar and Ajay Kumar, however, no such information had been received qua the petitioner, which clearly lends credence to his innocence. It has also been submitted by the learned counsel that after the charges were framed on 21.03.2024, the trial had not progressed beyond the examination of two out of the 18 witnesses cited

by the prosecution and hence, on this ground alone, the petitioner deserves to be enlarged on bail as there is no likelihood of the trial concluding in the near future in the aforementioned facts and circumstances.

3. Learned State counsel, on instructions from DSP Kirpal Singh, has not disputed the custody period of the petitioner, who has now been in custody since 19.09.2023 nor has he disputed that after the challan was presented on 14.03.2024, charges were framed on 21.03.2024, however, till date only two prosecution witnesses had been examined; co-accused Ajay Kumar and Manish Kumar from whom the alleged recovery was made have been extended the concession of bail by this Court on account of the repeated absence of the prosecution witnesses before the trial Court.

4. On a pointed query put to the learned State counsel, it has not been disputed that after the petitioner was arrested pursuant to the disclosure statement allegedly made by co-accused, no recovery of any contraband was made from the petitioner.

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

6. The petitioner has been in custody since 19.09.2023. Both the co-accused from whom the alleged recovery was effected following a secret information already stand released on bail on account of the delayed trial, attributable to the irregular appearance of the prosecution witnesses, who in the present case are all police officials. The Hon'ble Apex Court in almost identical circumstances, extended the concession of bail to the accused in *Rabi Prakash Vs. The State of Odisha 2023 LiveLaw (SC) 533* and *Dheeraj Kumar Shukla Vs. State of*

Uttar Pradesh [SLP(Crl.) No.6690/2022] by dispensing with the bar contained in Section 37 of the NDPS Act on account of the inordinate delay in the conclusion of the trial even though the recovery of contraband effected in both the cases had been classified as commercial. Since the constitutional right of the petitioner has been compromised to a fair and speedy trial, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail 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.

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

July 8th, 2025

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No