

2025.PHHC.023090



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

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CRM-M-62877-2024 (O&M)
Date of decision: 18.02.2025

Vinod Kumar @ Bablu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Surjeet Singh Chahal, Advocate and
Mr. Ankush Bharti, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 124 dated 01.06.2023, registered under Sections 15(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ding, District Sirsa.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 01.06.2023, the petitioner and co-accused Gagan @ Sonu, while coming in a car bearing registration number HR-24-AQ-2937, were apprehended by the police party and recovery of 60 kgs. of poppy husk/straw was effected from the said car. Both the accused were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 05.06.2024.

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3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is nothing on record to connect the petitioner with the subject crime. The aforesaid car was driven by co-accused Gagan @ Sonu. The petitioner is in custody since 01.06.2023. Investigation has since been completed and challan has been presented. Trial is progressing at a very slow pace and it will take a time. Even otherwise, co-accused Gagan @ Sonu, who was also apprehended along with the petitioner, has been granted concession of regular bail by the Hon'ble Supreme Court in view of the fact that the trial was proceeding at a slow pace, vide order dated 28.11.2024 passed in Criminal Appeal No. 4899/2024, titled as *Gagan @ Sonu vs. State of Haryana*. On the grounds of parity, the petitioner too deserves to be granted the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that the petitioner along with the co-accused was apprehended at the spot and recovery of 60 kgs. of poppy husk/straw was recovered from their car. The trial is going on. The petitioner is not entitled to get benefit of bail as if released on bail, he may abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner along with co-accused Gagan @ Sonu was apprehended by the police party on 01.06.2023 while they were coming in the aforesaid car. Recovery of 60 kgs. of poppy husk was effected from the said car. Investigation has since been completed and challan has been presented.

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Trial is admittedly substantially delayed. The petitioner is in custody since 01.06.2023. There is no basis to state that if released on bail, the petitioner may abscond or indulge in similar offences. More so, similarly situated co-accused Gagan @ Sonu has already been granted concession of regular bail by the Hon'ble Supreme Court, as mentioned, keeping in view the fact that the trial was proceeding at a slow pace. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

18.02.2025

Waseem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*