



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-36493-2024
Date of decision: 14.01.2025

Rudransh Gupta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.94 dated 27.03.2024 (wrongly mentioned as 22.03.2024 in the impugned order) under Sections 20(b)(ii)B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sector 40, Gurugram.

2. Learned senior counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner after he was alleged to be found in possession of 18 kgs of ganja which is less than minimum classified as 'commercial' under the NDPS Act. It has been further submitted that after the challan was presented, charges were framed on 20.09.2024, however, thereafter the case had to be adjourned time and again on account of repeated non-appearances of



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the prosecution witnesses, who in the present case are all police officials. Learned senior counsel submits that in the aforementioned facts and circumstances, since the petitioner has already been in custody for close to ten months having been arrested on 27.03.2024, further incarceration of the petitioner would serve no useful purpose moreso when 15 prosecution witnesses have been cited. Learned senior counsel has also urged that since all the witnesses cited by the prosecution are police officials there can be no risk of the petitioner tampering with evidence and intimidating/influencing the witnesses.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that a secret information was received qua the involvement of the petitioner in drug trafficking pursuant to which the aforesaid recovery of ganja was made from the shop of the petitioner; although the alleged recovery made from the petitioner has been classified as “intermediatory”, however, it is also a matter of record that the petitioner is facing trial in another case under the NDPS Act. Learned State counsel, on further instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial and also the case having been adjourned before the learned Trial Court on account of the non-appearances of the prosecution witnesses. On a further query, it has been brought to the notice of this Court, on instructions, that the next date fixed before the learned Trial Court is 03.03.2025.

4. I have heard learned counsel for the parties and perused the



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material placed on record.

5. The petitioner has been in custody since 27.03.2024. The next date fixed before the learned Trial Court is 03.03.2025. Till date, none of the 15 prosecution witnesses have been examined after the charges were framed on 20.09.2024 and the case has been adjourned on account of the reasons attributable only to the prosecution. Hon'ble the Supreme Court in *Rabi Prakash Vs. The State of Odisha : 2023 LiveLaw (SC) 533; Mohd Muslim @ Hussain Vs. State (NCT of Delhi) : 2023 LiveLaw (SC) 260* and *Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*, in identical cases has granted the concession of bail to the accused therein. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. 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.

7. 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.

14.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No