

2025:PHHC:067822



227.

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

CRM-M-5859-2025

Date of decision: 20.05.2025

Vikas @ Vicky

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sumeet Singh Brar, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is third petition that has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.77, dated 14.04.2020, under Sections 21, 61 of NDPS Act, 1985, registered at Police Station Ding, District Sirsa.

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 14.04.2020 after he was allegedly nabbed on suspicion while he along with co-accused were travelling together in a car. Learned counsel has contended that even though it is a case of false implication and a false recovery of 470 grams of heroin is shown to have been made from the petitioner, however, in addition to the above, his constitutional right to a speedy and fair trial has been severely compromised as it is evident from a reading of the zimni orders, which are

annexed with the petition, that the Trial Court has not been able to proceed with the trial on account of reasons attributable to the prosecution and prosecution alone. While drawing the attention of this Court to the zimni orders, it has been submitted that a bare perusal of the same reveals that the prosecution witnesses, who, in the present case are all police officials, have been, for reasons best known to them, not appearing before the Trial Court to get their evidence recorded despite service being complete qua all of them. Learned counsel has submitted that in the circumstances more so when after the charges were framed way back on 22.02.2021, only 04 prosecution witnesses out of 18 cited have been examined, the petitioner deserves to be extended the concession of bail. In support, learned counsel has placed reliance upon ***Rabi Prakash Versus The State of Odisha, 2023 Livelaw (SC) 533*** and ***Dheeraj Kumar Shukla Versus State of Uttar Pradesh (SLP(Crl.) No.6690/2022), decided on 25.01.2023*** wherein the Hon'ble Supreme Court on account of inordinate delay in the conclusion of trial had done away with the bar created under Section 37 of the NDPS Act and enlarged the accused therein on bail.

3. Status report by way of affidavit dated 18.03.2025 of Vikas Krishan, H.P.S., Deputy Superintendent of Police, Sirsa, has been filed in Court today, which is taken on record.

4. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. Learned State counsel, on instructions, has not been able to dispute the

contents of the zimni orders from which it is discernible that the trial has been prolonged for reasons attributable only to the prosecution.

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

6. In the facts and circumstances as enumerated hereinabove, the possibility of trial concluding in the near future does not arise. The petitioner's right to a speedy trial has been severely compromised in the instant case. Hence, he deserves to be extended the concession of bail.

7. Accordingly, the instant petition is allowed and 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.

8. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 20, 2025
sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No