

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

**Criminal Misc. No. M-25800 of 2015
Date of Decision: 11.8.2015**

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--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. D.S.Virk, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 83 dated 20.3.2015 under Sections 17/18/27-A/61/85 of the NDPS Act, registered at Police Station City Mandi Dabwali, Sirsa.

Notice to the Advocate General, Haryana.

On the asking of the Court, Mr Ashish Yadav, Additional A.G. Haryana, accepts notice.

Learned counsel for the petitioner places reliance on an order dated 2.6.2015 passed by the learned Additional Sessions Judge, Sirsa, whereby the main accused namely Gurpreet Singh has already been granted the concession of bail pending trial. He further submits that it is a matter of record that nothing was recovered from the petitioner and he has been sought to be implicated on the basis of disclosure statement made by his co-accused and that too, before the police. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that sufficient material has been collected against the petitioner, during the course of the investigation. He further submits that petitioner has been found to be the main accused, because he has been supplying the contraband. He seeks dismissal of the present petition pointing out that besides the present case, petitioner has been found involved in three more cases out of which, two were under the NDPS Act.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that since the co-accused of the petitioner has already been enlarged on bail pending trial, petitioner has also been found entitled for the concession of bail pending trial. It is so said, because nothing has been recovered from the petitioner. Except a disclosure statement suffered by the co-accused of petitioner before the police, no other incriminating material has been found against him. The disclosure statement suffered by co-accused of the petitioner before the police will be a debatable issue before the learned trial court.

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

11.8.2015
Ak Sharma