

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

**CRM No.M-37960 of 2014
Date of decision: 23.02.2015**

Gopal @ Pali

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. F.S. Virk Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

K.C. PURI J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No.168 dated 18.06.2014, under Section 15/27-A/21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 420/411/120-B of the Indian Penal Code, 1860, registered at Police Station Sadar Tohana, District Fatehabad.

As per allegation of the prosecution 182 Kgs. of poppy husk containing in 5 bags, were recovered from DL4CAB 7867. During investigation it is revealed that Darbara Singh has stolen the said vehicle and in his disclosure statement he has named the present petitioner, one Bagga and Gurpreet @ Ladi. Bagga has

been allowed the concession of regular bail vide Criminal Miscellaneous No.M-42378 of 2014. Bagga was granted bail on the ground that he is neither the owner of the car nor the recovery has been effected from him. The confessional statement of co-accused without any recovery of article cannot be read against the co-accused. It was further observed in that order that no other case is pending against the petitioner. The facts against the petitioner are similar.

Learned State Counsel, on instructions from ASI Dalbir Singh, stated that no case is pending against the petitioner nor any recovery has been effected.

So, without commenting on the merits of the case, the present petition stands allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds to the satisfaction of the trial Court/Duty Magistrate.

Disposed of.

(K.C. PURI)
JUDGE

23.02.2015

yakub