

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

**Criminal Misc. No. M-39436 of 2015
Date of Decision: 30.11.2015**

Saroj

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Surinder Gandhi, Advocate
for the petitioner.

Mr. Kapil Aggarwal, Additional A.G. Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 343 dated 17.6.2015 under Section 20 of the NDPS Act, registered at Police Station City Rohtak.

Learned counsel for the petitioner places reliance on the judgment of the Hon'ble Supreme Court in Union of India Vs. Bal Mukund and others, 2009 (12) SCC 161 to contend that since the case against the petitioner was based on a confessional statement suffered by his co-accused, no case would be made out against the petitioner. He further submits that since no recovery was effected from the petitioner and also

from his co-accused, he has been falsely implicated in the present case. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Suresh Kumar, submits that this is the second petition for bail pending trial. First petition bearing CRM-M-32593 of 2015 (Saroj Vs. State of Haryana), was dismissed as withdrawn on 28.9.2015 and thereafter, there is no change in the circumstances, except filing of police report under Section 173 (2) Cr.P.C. against the petitioner. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, 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 in the given fact situation of the present case, petitioner has not been found entitled for the concession of bail pending trial. It is so said, because the judgment relied upon by the learned counsel for the petitioner was rendered by the Hon'ble Supreme Court while deciding an appeal. Further, it is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundara Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.**

It is pertinent to note here that earlier also petitioner

approached this Court by way of CRM-M-32593 of 2015, which was dismissed as withdrawn vide order dated 28.9.2015. Thereafter, there is no change in the circumstances which may entitle the petitioner for bail pending trial.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the rights of either of the parties, this Court is of the considered view that no case for interference has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

30.11.2015
AK Sharma