

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

259

CRM-M No.43466 of 2014

Date of Decision:08.01.2015

Balraj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Balraj Gujjar, Advocate,
for the petitioner.**

**Mr.Pravindra Singh Chauhan, Additional Advocate
General, Haryana, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Bajrang, Dilbag, Baljeet, Shyama, Rajesh, Raju @ Narender and Prabhu Lal etc. vide FIR No.123 dated 18.07.2011, on accusation of having committed the offences punishable under Sections 15, 27-A and 29 of The Narcotic Drugs & Psychotropic Substances Act, 1985, by the police of Police Station Siwani, District Bhiwani.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on the night intervening 17/18.07.2011, in the wake of search, 2109 kgs. of poppy husk was recovered from the Truck bearing registration No.WB-23B-4030. According to the prosecution, the petitioner along with his other co-accused was travelling in a Scorpio Jeep bearing registration No.HR24-J-1111 being driven by co-accused Shyama son of Hari Ram, to escort the pointed Truck. It is not a matter of dispute that Baljeet, Shyama, Rajesh, Raju @ Narender, Prabhu Lal etc., similarly situated co-accused of the petitioner, have already been acquitted by means of judgment dated 13.10.2012(Annexure P-1) by the trial Court. Therefore, I see no reason not to extend the concession of regular bail to the present petitioner as well in the obtaining circumstances of the case.

5. Moreover, the petitioner was arrested in this case on 20.03.2014. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his filing a specific affidavit to the effect that he will not indulge in any such illegal activities in future and on his furnishing adequate bail bonds and surety

bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 08, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE