

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-43101 of 2016

Date of Decision: 07.12.2016

Sanjeev Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner - Sanjeev Kumar in case FIR No.497 dated 28.9.2016 under Sections 15 and 29 read with Section 27A NDPS Act registered at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioner states that the petitioner has been named on the basis of disclosure statement made by his real brother Bhupinder Singh, wherein said Bhupinder Singh has stated that the petitioner has deposited an amount of Rs.45,000/- in his account on 27.9.2016 for purchasing poppy husk, however, there is no direct evidence against the petitioner, showing his involvement in the case.

Learned State counsel, on instructions from ASI Mahipal, submits that the petitioner had deposited an amount of Rs.45,000/- in the

bank account of his brother Bhupinder Singh on 27.9.2016 for purchasing poppy husk and on 28.9.2016 said Bhupinder Singh was arrested with the contraband, which corroborates the involvement of the petitioner in the crime.

I have heard learned counsel for the parties.

Admittedly, the petitioner has been arrayed as an accused solely on the basis of disclosure statement made by co-accused Bhupinder Singh, who happens to be his real brother. Bank transaction between the petitioner and his brother cannot be the basis to decline bail to the petitioner. The fact as to whether an amount of Rs.45,000/- was deposited by the petitioner in the account of his brother Bhupinder Singh in order to purchase the contraband or otherwise, is yet to be established during the course of trial. Considering the fact that there is no other case under the NDPS Act pending against the petitioner and he is in custody since 29.9.2016, coupled with the fact that trial in the case will take sufficiently long time, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

December 07, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No