

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

**CRM-M No.2510 of 2017
Date of Decision: 01.02.2017**

Mukesh Kumar @ Jony

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K. D. S. Hooda, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.206 dated 13.09.2016 registered under Section 21 of the NDPS Act and 18-C of Drugs & Cosmetics Act, at Police Station Jakhal, District Fatehabad.

The case of the prosecution is that 85 bottles of Corex Cough Syrup and 1100 tablets of Carisoma were recovered from one Rohtash alias Khundki, who disclosed that he has purchased the same from the petitioner and only on the basis of his disclosure statement, the petitioner has been arrested.

Seeking the petitioner's bail, learned counsel for the petitioner submits that the disclosure statement of the co-accused, on the basis of which the petitioner has been arrested, as per settled law, has no evidentiary value; that there is no other criminal case pending against the petitioner; the present case has been foisted against the petitioner on account of political rivalry as the petitioner's wife is a member of the Block Samiti, Jakhal and as such, he has become target of some

influential persons; investigation is over as the challan under Section 173 Cr.P.C. has been filed and thus the petitioner is not needed for investigation purposes and that since in the trial even the charge has yet not been framed, the trial is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail on the ground that the petitioner has specifically been named by the main accused from whom narcotics have been recovered which is a commercial quantity.

After considering the entire gamut of facts as noticed above with the seriousness with which they should be considered, I am of the opinion that the petitioner deserves to be admitted to regular bail during the pendency of the trial.

Resultantly, the petition is allowed.

Bail to the satisfaction of the trial Court.

Nothing observed herein above shall be considered as an expression of opinion by this Court on the merits of the case.

In case the petitioner is found to misuse the concession of bail and/or even alleged of having participated in any other crime, the State would be at liberty to move the appropriate Court which includes this Court for cancellation of the concession of the grant of bail.

February 01, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No