

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38920 of 2017
Date of Decision: 30.10.2017

Rana Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mandeep Singh Sodhi, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.128 dated 10.04.2017 registered for the offence punishable under Section 15 of Narcotics Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS ACT") at Police Station Madhuban, District Karnal.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for petitioner submits that recovery of 8 kgs. of poppy-husk was effected from the petitioner. Co-accused, namely, Raj Kumar, from whom 14 kgs. of poppy-husk was effected, has already been allowed regular bail vide order dated 28.09.2017 passed in CRM-M-30650-2017. He seeks bail for the petitioner on the ground of parity.

Learned State counsel submits that against the petitioner three other cases under NDPS Act are pending, which shows that he is a habitual offender. Even against co-accused, namely, Raj Kumar, there were four other cases pending.

Applying the principle of parity with co-accused, Raj Kumar, but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rana Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 30, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No