

CRM-M-46541 of 2016**Date of decision: 27.02.2017****Sube Singh**

... Petitioner

VS.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

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DEEPAK SIBAL, J.(ORAL)

Through the present petition filed under Section 439 Cr. P. C., the petitioner seeks regular bail in FIR No.209, dated 31.05.2015, registered under Sections 20, 61 and 85 of the NDPS Act at Police Station Bhupani, District Faridabad, Haryana.

Learned counsel for the parties are ad-idem that the co-accused of the petitioner namely Amar Singh @ Pappi who has been attributed similar role as the petitioner had earlier approached this Court through CRM-M-35253 of 2016-Amar Singh @ Pappi Vs. State of Haryana and vide order of this Court dated 03.11.2016, has been granted the concession of regular bail. The order dated 03.11.2016 passed in the aforesaid petition is reproduced as under:-

“The petitioner, along with his co-accused, namely Sube Singh, was arrested from a flat on the basis of a secret information and recovery of about 91 kgs. of ganja was effected from the house. The petitioner allegedly made a disclosure statement that the ganja belonged to Zafu and that he was selling ganja on commission basis.

The petitioner had earlier approached this Court for grant of regular bail. His application was disposed of with a direction that the trial will be concluded within a period of three months thereafter.

The petitioner has been in custody w.e.f. 31.05.2015. The trial having not been concluded expeditiously and the petitioner having not been involved in any other case, he can be granted the concession of bail as his culpability along with his co-accused will certainly be a debatable issue in context to the total quantity recovered.

In view of the above, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to a condition that the petitioner will not indulge in similar activities during pendency of the trial.”

In view of the afore quoted order, without commenting on merits of the case, on the ground of parity, I am of the considered opinion that the petitioner also deserves to be admitted to regular bail.

Bail to the satisfaction of the trial Court/Duty Magistrate, Faridabad.

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

During the period that the sentence of the applicant/appellant is suspended, if he is found indulging in any criminal/illegal activity, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the applicant/appellant.

February 27, 2017
rimpal

(Deepak Sibal)
Judge

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No