

CRM-M-16703-2017

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

CRM-M-16703-2017

Date of Decision: 09th January, 2018

Surya Parkash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Arpandee Narula, Advocate, for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.157, dated 20.06.2016, registered at Police Station Sadar Sirsa, under Sections 21 and 22-B of Narcotic Drugs and Psychotropic Substances Act, 1985.

Petitioner was arrested in this case on the basis of confessional/disclosure statement made by co-accused Chander Parkash Soni @ Sonu before the police, in which, he stated that he has received 1200 tablets of Alprazolam of 0.05 MGB per tablet from the petitioner, who is his real brother and a chemist/druggist in Rajasthan.

Counsel for the petitioner contends that co-accused Chander Parkash Soni @ Sonu has been granted the concession of regular bail by this Court in CRM-M-28488-2016, titled as 'Chander Parkash Soni @ Sonu Vs. State of Haryana', decided on 28.02.2017. He further contends that no

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recovery has been effected from the petitioner and nine months have since passed till date and only two witnesses have been examined out of the total seventeen witnesses nominated by the prosecution. He contends that the petitioner, therefore, may be granted the concession of regular bail during the pendency of the trial.

On the other hand, counsel for the State contends that the petitioner is the real culprit as he is the person, who had been supplying the medicines to the persons for further distribution in violation of the statutory provisions without permission and violating the provisions of statute. He, however, could not dispute the fact that no recovery has been effected from the petitioner at the time when he was arrested nor has any recovery been effected from the chemist shop, which is owned and being run by the petitioner.

Keeping in view the facts and circumstances of the case and also in the light of the fact that co-accused Chander Parkash Soni @ Sonu has already been granted regular bail by this Court on 28.02.2017 (Annexure P-5), without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sirsa.

(AUGUSTINE GEORGE MASIH)
JUDGE

09th January, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No