

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

**CRM-M-29696-2018
Date of Decision: 27.08.2018**

Manister Shah

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. R.S. Kundu, Advocate
for the petitioner.

Mr. Munish Sharma, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C in case FIR No.59 dated 03.02.2018 registered under Section 20 of NDPS Act at Police Station Kalanaur District Rohtak.

2. Learned counsel for the petitioner submitted that name of the petitioner has been reflected only in the disclosure statement of the co-accused. No recovery has been effected from the petitioner. Sessions Court while rejecting the petitioner's bail application has recorded that there were mobiles calls for about 45 times between the petitioner and co-accused namely Baljeet, Aash Kumar and Ramjidiya. It was also submitted that petitioner is not involved in any other case.

3. The above facts and circumstances have not been disputed by the learned State counsel.

4. Heard the learned counsel for the parties.

5. Having regard to the fact that petitioner's name has been surfaced only on the disclosure statement of the co-accused and he is not involved in any other case and merely there were mobile calls between the

petitioner and co-accused for about 45 times, rejecting the bail application by the Sessions Court may not be appropriate. In view of these facts and circumstances, without commenting on the merits of the case, petitioner-Manister Shah is ordered to be released on bail to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

6. However, the petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or otherwise interfere with the fair trial.

7. Petition is allowed accordingly.

27.08.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**