

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

CRM-M No.35265 of 2018

Date of Decision: 11.01.2019

Pawan

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. R.S. Doon, A.A.G., Haryana.

DAYA CHAUDHARY, J.

Petitioner-Pawan has filed the present petition under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.507 dated 08.09.2017 registered under Sections 148, 149, 332, 353, 307, 223, 120-B, 216 IPC and Sections 25/54/59 of the Arms Act, 1959 at Police Station Mohindergarh, District Mohindergarh, Haryana during pendency of the trial.

Learned counsel for the petitioner submits that after registration of the case, the investigation was conducted by Deputy Superintendent of Police, who inspected the place of occurrence and prepared the site plan. The statements of witnesses were recorded and blood samples from the spot were taken into possession. Learned counsel also submits that during investigation, accused Virender @ Jhuttar was arrested and his disclosure statement was recorded. Said co-accused Virender @ Jhuttar was produced in the Court and for three days, the police remand was obtained. During

investigation, accused Kapil @ Sonu, Jai Pal, Pawan (the present petitioner) and Mukesh were arrested and their disclosure statements were recorded. Thereafter, the investigation of the case was done by Sub Inspector Mahabir Singh and during investigation, accused Manohar Lal was arrested. His disclosure statement was also recorded. Thereafter, the investigation was conducted by SIT. However, on the basis of statement of accused Bhoop Singh @ Bhupia, one *desi katta* and *three live cartridges .315 bore* were recovered. Learned counsel also submits that the challan has been presented and nothing is to be recovered from the petitioner. The petitioner is in custody since 11.10.2017. Two co-accused of the petitioner have been released on regular bail. Out of total 36 witnesses, 12 witnesses have been examined and no other case under the NDPS Act is there against the petitioner.

Learned State counsel has not disputed the custody period; the stage of trial and also the fact that co-accused Manohar Lal and Mukesh have been released on regular bail vide orders dated 06.02.2018 and 23.03.2018, respectively passed in **CRM-M No.3408 of 2018** and **CRM-M No.2960 of 2018**, respectively. Co-accused Urmila Devi has been released on anticipatory bail vide order dated **24.04.2018** passed in **CRM-M No.11297 of 2018**. However, he has opposed the submissions made by learned counsel for the petitioner on the basis of seriousness of offence.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

By considering the custody of the petitioner since 11.10.2017 and also the fact that two co-accused, namely, Manohar Lal and Mukesh

have been released on regular bail; out of total 36 witnesses, 12 witnesses have been examined; no other case under the NDPS Act is there against the petitioner; the allegations against him are at par with co-accused, who have been released on regular bail; all witnesses are the official witnesses and there is no possibility that he may tamper with the evidence or influence the witnesses, the present petition is allowed and petitioner, namely, Pawan is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

11.01.2019
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No