

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-19935-2019 (O&M)
Date of Decision : 8.5.2019

Dinesh Kumar

....Petitioner

vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ashok Kumar Bhana, Advocate
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.49 dated 10.3.2019 registered under Sections 22 (c) of NDPS Act, 1985 at police station Ratia, District Fatehabad.

As per the allegations, narcotics were recovered from Buta Singh who allegedly disclosed that he has purchased the same from the petitioner.

Learned counsel for the petitioner has argued that petitioner has been in custody for 2 months and there is no other case pending against him and no recovery was made from him and he has been nominated only on the basis of disclosure statement.

Custody certificate dated 7.5.2019 by way of affidavit of Rai Sahab-Deputy Supdt., Dy.Supdt, Central Jail No.2 (Hissar) Haryana has

been filed on behalf of the respondent-State, the same is taken on record. Copy has been supplied to the opposite counsel. The custody certificate also certifies the fact that the petitioner has been in custody for 1 month and 25 days and no other case is pending against him.

On instructions from ASI Rai Singh, learned DAG accepted that recovery was made from the co-accused and the petitioner was nominated only on the disclosure statement made by the co-accused and no other case is pending against him.

Without commenting on the merits of the case, keeping in view the above facts and the period of incarceration already suffered by the petitioner, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly, Bail to the satisfaction of the concerned Trial Court/Duty Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

8.5.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No