

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

CRM-M-26524-2019 (O&M)

Date of decision: 19.07.2019

Rajesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Sahu, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-20690-2019

Allowed as prayed for.

Documents are taken on record.

CRM-M-26524-2019

This is the third petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 12 dated 10.01.2019, registered under Sections 15, 61 of the NDPS Act, 1985 at Police Station Rania, District Sirsa.

While disposing of the first petition bearing CRM-M-12526-2019, the petitioner was granted interim bail awaiting the FSL report, vide order dated 26.03.2019. Thereafter, on receipt of the FSL report, the petitioner surrendered before the trial Court and filed second petition which was withdrawn by moving an application and the petitioner again approached the trial Court for grant of regular bail, however, the same

was dismissed. Hence, the petitioner has filed the present petition for grant of regular bail.

Learned counsel for the petitioner submits that new grounds for grant of regular bail to the petitioner are that two of the co-accused of the petitioner, namely Aman Kumar and Virender @ Birender, have been granted concession of regular bail by this Court, vide orders dated 03.05.2019 and 16.05.2019, passed in CRM-M Nos. 19005 and 17323 of 2019, respectively.

Learned counsel for the petitioner further submits that petitioner is already on bail in another FIR No. 294 dated 17.08.2018, U/s 15, 17 of the NDPS Act, PS- Rania, and has relied upon order dated 16.02.2019 passed by the Additional Sessions Judge, Sirsa, granting bail to the petitioner in aforesaid case/FIR. It is further submitted that apart from this, the petitioner is not involved in any other case.

Learned State counsel, on instructions from SI Mahender Singh, has not disputed that petitioner is in judicial custody for the last more than six months and he is on bail in aforesaid FIR No. 294. Learned State counsel further submitted that charges have been framed, however, no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last more than six months; two of the co-accused have already been granted regular bail as noticed above and also in view of the fact that conclusion of the trial is likely to take a long time as no prosecution witness has been examined so

far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

19.07.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No