

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

Sr. No.204

**CRM-M-49459-2019**

**Date of decision : 19.12.2019**

Mukesh Kumar

..... Petitioner

**VERSUS**

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Vikas Bishnoi, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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**SUDHIR MITTAL, J. (Oral)**

The petitioner seeks regular bail in case FIR No.374 dated 27.9.2019, registered at Police Station Sadar Fatehabad, District Fatehabad, under Sections 22 (c) of NDPS Act, 1985 (but during investigation Section 27-A of NDPS Act, 1985 was added).

Learned counsel for the petitioner submits that the petitioner has been nominated as an accused in this case only on the statement of co-accused. No recovery has been effected from the petitioner and the fact that there is no criminal case pending against the petitioner, goes against the statements of the co-accused that the petitioner was a supplier of drugs.

Custody certificate dated 19.12.2019, prepared by Sh. Rai Sahab, Deputy Superintendent, Central Jail No.2, Hisar has been filed by the learned State counsel in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 02 months and 21 days and there is no other criminal case pending/decided against him. He is not in a position to dispute the submissions made on behalf of the petitioner.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(SUDHIR MITTAL)  
JUDGE

19.12.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No