

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

**CRM-M-14703-2020 (O&M)
Date of decision: - 25.06.2020**

Amit @ Kala

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 207 dated 22.04.2018 registered under Section 20 of NDPS Act, at Police Station Ganaur, District Sonipat.

Learned counsel for the petitioner states that the petitioner (Driver of the alleged vehicle) has been falsely implicated in the present case. The alleged recovery of 630 kgs. of Ganja Patti was not effected from the personal search of the petitioner and the same was not in his knowledge. Co-accused Satish Kumar, who was owner of the Driver, has already been granted bail vide order dated 02.05.2019 passed by Coordinate Bench of this Court and learned counsel for the petitioner prays to release the petitioner on bail on parity with him. The petitioner has been in custody since 22.04.2018.

The trial will take time in its conclusion.

Learned State counsel has pointed out that out of total 16 prosecution witnesses, 3 witnesses have been examined. He has not disputed the factum of custody since 22.04.2018 but vehemently opposed the prayer of the petitioner in view of Section 37 of NDPS Act.

I have heard the learned counsel for the parties.

Though, learned counsel for the petitioner seeks parity with the co-accused who was released on bail vide order dated 02.05.2019, yet the fact remains that the said co-accused was granted bail on the ground of his suffering from Cancer. Thus, the petitioner could not claim parity with the said co-accused. However, keeping in view the fact that the petitioner has been in custody since 22.04.2018 and the trial will take time to conclude, no useful purpose would be served by detaining the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

It is further made clear that in future if, the petitioner is found involved in such cases, the prosecution will be at liberty to file the cancellation of his bail.

(HARNARESH SINGH GILL)
JUDGE

25.06.2020
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No