

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17303-2020

Date of Decision: 17.07.2020

Rajender @ Nadu

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.969 dated 22.09.2018 registered under Section 20 NDPS Act, 1985 at Police Station Sadar, Hisar. The petitioner is in custody since his arrest on 22.09.2018.

The prosecution case is that on 22.09.2018, on the basis of a secret information, the police party intercepted canter bearing registration No.HR21F-0291 and on checking, six persons (including present petitioner), who was driving the canter, were apprehended at the spot while one person made good his escape. On search of canter, 9 quintals of "Ganja" was recovered.

Learned counsel for the petitioner contends that co-accused, namely, Jai Singh and Harish have already been granted the concession of regular bail by this Court vide order dated 09.01.2020 and 11.06.2020 respectively. He submits that three of the other co-accused have also been granted regular bail by the trial Court and, therefore, the petitioner be also

released on regular bail. He submits that the case set up by the prosecution is common against all the accused and except the petitioner, the rest of the accused have been ordered to be released on bail.

On the other hand, learned State counsel assisted by SI Vishwajeet, has opposed the prayer on the ground that the petitioner was driver of the vehicle bearing No. No.HR21F-0291 and was well aware of the material being transported by him. He submits that the case of the co-accused is on different footing and therefore, the petitioner cannot claim parity with them. He further submits that the vehicle in question also belongs to the petitioner.

At this stage, Mr. Sandeep Kotla, learned counsel for the petitioner pointed out that the vehicle was owned by one Dhara, who had applied for release of the same on superdari before the trial Court. According to him, the trial Court is likely to consume considerable time to conclude, therefore, the petitioner be released on regular bail.

After hearing learned counsel for the parties and considering the nature and quantity of the contraband, this Court is not inclined to extend the concession of regular bail to the petitioner at this stage. The petition fails and is dismissed.

17.07.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No