

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26607-2021 (O&M)

Date of Decision: 20.07.2021

Jaibir alias Magga

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pardeep Solath, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, learned DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present application has been filed under Section 439 of Cr.P.C for grant of regular bail to the petitioner in FIR No.88 dated 20.02.2021, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Narnaund, District Hansi.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and his name was nominated on the basis of disclosure statement of co-accused. He has further submitted that the other co-accused namely Sanjay alias Bablu has been granted regular bail by this Court on 30.06.2020 and another co-accused namely Sunil alias Sona has also been granted regular bail by this Court on

26.05.2021. He has submitted that he is in custody since 05.04.2021 and the investigation of the case is already complete and challan has been presented and nothing was recovered from the petitioner. He has further submitted that the petitioner is not involved in any other case and the present case has been planted upon the petitioner.

On the other hand, Mr.Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody since 05.04.2021 and the investigation of the case is already complete and the challan has been presented and there is no case against the petitioner. So far as the parity with other co-accused who have been granted regular bail is concerned, the learned State counsel has not disputed the same and has stated that the petitioner has been nominated on the basis of disclosure statement of the other co-accused.

I have heard the learned counsel for the parties.

So far as the custody period of the petitioner is concerned, the same has not been disputed by the State counsel. It is also not disputed that the investigation of the case is already complete and the challan has already been presented. Furthermore, it has not been disputed that the petitioner is at parity with the other co-accused namely Sanjay alias Bablu and Sunil alias Sona. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail

bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

20.07.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No