

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 29389 of 2021 (O&M)
Date of Decision: 19.8.2021

Mahipal @ Banna

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. H.S.Mann, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-24710-2021

This is an application for placing on record Annexures P-3 to P-6.

The application is allowed as prayed for. Annexures P-3 to P-6 are taken on record.

CRM-M-29389-2021

This is the second petition under Section 439 Cr.P.C. for regular bail in FIR No. 247 dated 28.7.2020 under Sections 22-C, 27-A and 29 (added later on) of the NDPS Act, registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner submits that in fact, co-accused namely, Satpal @ Satia and Kuldeep were arrested at the spot and on the disclosure statement of co-accused, namely, Kuldeep, Pritam was indicted in the present case and that it was on the disclosure statement of co-accused Pritam, the petitioner and co-accused Rajender Singh alias Raju were also indicted in the present case. He further submits that no recovery was effected from the petitioner and he has been in custody since 17.2.2021 there is no other case pending. Learned counsel further submits that similarly situated co-accused Rajender Singh alias Raju had been granted

regular bail by this Court on 17.11.2020.

On the other hand, learned State counsel while opposing the prayer made in the present petition, submits that the recovery effected from co-accused, namely, Satpal @ Satia and Kuldeep, falls under the commercial quantity. However, he does not dispute the fact that the petitioner was indicted on the disclosure statement of the co-accused. He further submits that there is no case against co-accused Rajender Singh @ Raju under the NDPS Act whereas one case under the NDPS Act is pending against the petitioner, in which he is on bail and the petitioner was also indicted in that case on the statement of Pritam Singh.

I have heard the learned counsel for the parties.

The petitioner was indicted in the present case on the disclosure statement of the co-accused. Co-accused Rajender Singh alias Raju has already been granted the concession of regular bail by this Court on 17.11.2020. The petitioner has been in custody since 17.2.2021. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

August 19, 2021
Gurpreet

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