

CRM-M-35594-2021

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

CRM-M-35594-2021

Date of decision: 27.10.2021

Prem Rattan

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kuldeep Singh Siwach, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.247 dated 28.07.2020, registered at Police Station Bhuna, District Fatehabad, under Section 22(c), 27-A and 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner contends that in the present case, the petitioner was arrested on 01.03.2021 on the basis of a disclosure statement of co-accused Mahipal alias Banna, who stands enlarged on regular bail vide order dated 19.08.2021 passed by this Court in CRM-M-29389-2021, and that other co-accused Rajender Singh @ Raju also stands enlarged on regular bail, vide order dated 17.11.2020 passed by this Court in CRM-M-37523-2020.

Learned counsel for the petitioner further contends that initially, the petitioner was arrested in case bearing FIR No.118 dated

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17.09.2020, under Sections 22 and 29 NDPS Act, registered at Police Station Dehlon, District Ludhiana, and thereafter on the basis of disclosure statement suffered by co-accused Mahipal @ Banna on 17.02.2021, the petitioner was arrested in the present case on 01.03.2021. He further contends that in FIR No.277 dated 29.07.2020, under Sections 22(c) and 27-A NDPS Act, registered at Police Station Sadar Fatehabad, the petitioner was also indicted on the disclosure statement of Mahipal @ Banna and was arrested on 26.02.2021. Learned counsel further contends that in the present case, no recovery has been effected from the petitioner. Except for the disclosure statement of the co-accused, there is no evidence against the petitioner which can connect him to the present offence.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the the petitioner is a habitual offender and there are as many as two other FIRs registered against the petitioner under the NDPS Act.

I have heard the learned counsel for the parties.

The challan stands presented. The petitioner has been indicted on a disclosure statement of co-accused, Mahipal @ Banna, who stands enlarged on regular bail. As far as other cases registered against the petitioner, are concerned, he was also indicted therein on the basis of the disclosure statement of co-accused, Mahipal @ Banna. The petitioner has been in custody since 01.03.2021. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

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merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

27.10.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No