

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1330-2022

DATE OF DECISION: MARCH 22, 2022

NITIN MAKAN @ POMPY

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. M.C. CHAUHAN, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.286 dated 12.10.2021, under Section 21, 27A, 29-61-85 NDPS Act, Police Station Parao, District Ambala Cantt, who is in custody since his arrest on 21.10.2021.

The allegations contained in the FIR as noticed by Special Judge, Ambala, in the order dated 16.11.2021, are as under:-

“Bail application has been opposed by the State filing detailed reply to the effect that on 12.10.2021, secret information was received to the effect that petitioner/accused Pomppy alongwith accused Rohan (non petitioner) are indulging in business of selling Heroin and were coming from Delhi in a Private car. In case, check post is set up, they could be apprehended with large quantity of narcotic. Finding the information believable, check post set up and at about 5.20 p.m. a car bearing registration No.HR67C-7904 was indicated to stop. The passengers identified themselves as Rohan and petitioner Pomppy @ Nitin. After completing formalities

under Section 50 of the Act, search was conducted in the presence of DSP Ram Kumar and 10 Grms of Heroin was recovered from the possession of accused Rohan alongwith cash of Rs.80,270/- and one mobile phone. 10 Grms of Heroin alongwith one mobile phone and cash of Rs.3290/- were recovered from Nitin @ Pomppy (petitioner).”

Learned counsel for the petitioner has argued that co-accused of the petitioner who is similarly situated has already been released on regular bail, as 10 gms. of heroin was recovered from each of the accused at the time of their arrest. Learned counsel has produced the copy of the order dated 10.3.2022 passed by this Court in CRM-M-9490-2022, wherein co-accused Rohan was released on bail. According to him, the investigation of the case is complete and as the petitioner is not involved in any other case, he be released on regular bail.

On the other hand, learned State counsel assisted by SI Jaswinder Singh does not dispute the above factual aspect narrated by learned counsel for the petitioner and states that the case of the petitioner is at par with case of the co-accused who is on bail.

Considering the above background, custody of the petitioner, and the fact that similarly situated co-accused has already been released on bail, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds

to the satisfaction of the trial Court concerned.

The petition is allowed.

March 22, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No