

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24385 of 2022
Date of decision : 09.06.2022

Bhagwati Lal

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asstt. A.G. Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.96 dated 07.03.2022 registered under Sections 15, 27-A and 29 of the Narcotic Drugs and Psychotropic Substance Act (in short “NDPS Act”) at Police Station Pehowa, District Kurukshetra (Haryana).

Counsel for the petitioner, apart from relying the order passed on 09.06.2022 in CRM-M-25584-2022, titled as “Suraj Vs. State of Haryana” whereby the co-accused, namely Suraj has been granted concession of regular bail by this Court, contends that the case of the present petitioner-Bhagwati Lal is on better footing as compared to that of Suraj, as he was not apprehended from the spot. No recovery has been effected from him. The petitioner is behind the bars since 28.04.2022. The challan stands already presented in this case.

On the other hand, learned State counsel contends that there are money transactions between co-accused Leela Ram and Bhagwati Lal

whereby an amount of Rs.17,900/- has been transferred from Leela Ram to the present petitioner-Bhagwati Lal.

Taking into consideration that the co-accused, namely, Suraj has already been granted the concession of regular bail by this Court and there is no recovery which has been effected from the petitioner. The fact with respect to culpability of the petitioner has only come to the fore from the disclosure statement made by the co-accused. The challan has already been presented in this case. 16 prosecution witnesses need to be examined thus, the trial is likely to take some time. The present petition is resultant allowed.

The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Illaqua Magistrate/Trial Court/Duty Magistrate, concerned.

Needless to say nothing recorded herein shall be construed as an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.06.2022
Anjal

Whether speaking/reasoned	Yes
Whether Reportable :	No