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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-35111-2021 (O&M)
DECIDED ON: 22nd AUGUST, 2022

ISHWAR RAM

PETITIONER

VERSUS

STATE OF HARYANA

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Manjit Singh Uppal, Advocate
for the petitioner.

Mr. R.K. Singla, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-14837-2022

Prayer in this application is for placing on record the Memo of statement dated 06.06.2021 and order passed by this Court dated 09.03.2022 as Annexures P-3 and P-4.

Application is allowed, as prayed for.

Annexures P-3 and P-4 are taken on record subject to all just exceptions.

CRM-M-35111-2021

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 178 dated 05.06.2021, registered under Section 15(C)/27A/29 of the Narcotic Drugs

District Jind.

As per allegations in the FIR, registered at the instance of ASI Neeraj Kumar, it is stated that while on patrol duty, he received a secret information that Pardeep Singh @ Thatta is indulged in bringing poppy husk from Rajasthan in a truck bearing registration number RJ-14-GJ-3077. On this, a ruqa was sent to the police station and thereafter, a barrier was laid and co-accused Pardeep Singh @ Thatta was arrested and recovery of 739 kgs 140 grams of poppy husk was effected from the said truck.

Learned counsel for the petitioner submits that the petitioner has been nominated in this case on the basis of disclosure statement of the co-accused namely Pardeep Singh @ Thatta. He further submits that the case of the petitioner is on similar footing as that of his co-accused, namely, Amarjeet Singh who has been granted the concession of regular bail by this Court vide order dated 09.03.2022 passed in CRM-M-9191-2022.

Learned counsel for the petitioner further submits that the petitioner is a first offender; *challan* has been presented and the conclusion of trial is likely to take a long time.

Learned counsel for the petitioner has relied upon the judgments rendered by Hon'ble Supreme Court in ***Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1*** and ***State By (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr. 2022 Live Law (SC) 69*** to submit that it will be a matter of trial whether the disclosure of a co-accused will be admissible against the petitioner or not.

Learned State counsel submits that recovery from the co-

accused is commercial quantity, however, it is not disputed that the petitioner is a first offender and no incriminating substance was recovered from the petitioner after his arrest.

Having heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the co-accused of the petitioner has already been granted the bail by this Court; petitioner is a first offender; no incriminating substance was recovered from the petitioner after his arrest; conclusion of trial is likely to take a long time and also in view of the ratio of law laid down in the aforesaid judgments relied upon by the petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

SANDEEP MOUDGIL
JUDGE

22nd AUGUST, 2022.
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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |