

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39131-2022
Date of Decision: 05.09.2022

Subhash Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ram Bilas Gupta, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 566 dated 22.09.2021, under Sections 22 (c), 29/61 of NDPS Act, registered at Police Station Mujesar, District Faridabad.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 22.09.2021 and the investigation of the case has been completed and the challan has been presented before the competent Court and now the case is fixed for prosecution evidence. He further submitted that the other co-accused namely Rohit has been granted regular bail by this Court vide Annexure P-2 in CRM-M-29734-2022 on 19.07.2022 on the ground that there had been a violation of Section 50 of the NDPS Act. He further submitted that the aforesaid co-accused has been granted bail by passing a detailed order by this Court and this Court has also recorded that *prima facie* the provision of Section 50 of the NDPS Act were not complied with and

therefore, the bar contained under Section 37 of the NDPS Act was not applicable. He further submitted that the petitioner is at parity with the aforesaid co-accused and therefore, he may be considered for the grant of regular bail. He further submitted that the petitioner is not involved in any other case and has clean antecedents.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 22.09.2021 and the other co-accused who is at parity with the petitioner has been granted bail by this Court vide Annexure P-2 on the ground that there had been violation of Section 50 of the NDPS Act.

I have heard the learned counsel for the parties.

In view of the aforesaid facts and circumstances wherein the other co-accused has been granted bail by this Court on the ground of non-compliance of Section 50 of the NDPS Act and the petitioner is at parity with the aforesaid co-accused, the present petition deserves to be allowed.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

05.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No