

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-41300 of 2022

Date of Decision:22.09.2022

Vinod Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikas Bishnoi, 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.145 dated 14.07.2022, under Section 15(b) of the NDPS Act, 1985, registered at Police Station Bhattu Kalan, District Fatehabad.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 14.07.2022 and in the present case investigation of the case has already been completed and challan has been presented to the competent Court. He submitted that the allegations against the petitioner and other co-accused are that they were carrying 20 kgs. and 170 grams of poppy husk and the petitioner has been falsely implicated in the present case. He further submitted that the petitioner is not a habitual offender and is not involved in any other case and considering the total weight which is 20 kgs. and 170 grams of poppy husk, it does not fall under the category of commercial quantity and therefore the petitioner may be considered for the grant of regular bail. He further submitted that the other

co-accused namely Mohit has already been granted bail by this Court in CRM-M-41021 of 2022 on 13.09.2022 and the petitioner is at parity with the aforesaid co-accused.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from 14.07.2022 and the petitioner is at parity with the aforesaid co-accused.

I have heard the learned counsel for the parties.

The alleged confiscated quantity from two accused does not fall in the category of commercial quantity and as stated by the learned counsel for the parties that the petitioner is not involved in any other case. The other co-accused namely Mohit who is at parity with the petitioner, has already been granted bail by this Court vide order dated 13.09.2022.

In view of the aforesaid facts and circumstances, the petitioner deserves the concession of regular bail, therefore, 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 only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 22, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No