

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41017-2022
DECIDED ON: 22nd NOVEMBER, 2022

NIRMAL ALI

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

AND

CRM-M-42723-2022

BHOLA PATEL

.....PETITIONER

VERSUS

STATE OF HARYANA

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Manjit Singh Uppal, Advocate
for the petitioners (in both cases)

Mr. Chetan Sharma, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

Vide this common order, this Court intends to dispose of both the petitions together, as they are arisen out of the same FIR.

These petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners (Nirmal Ali and Bhola Patel) in case FIR No. 178 dated 05.06.2021, registered under Section 15(C)/27A/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 and Sections 201 and 120-B IPC at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner(s) submits that 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 740 kgs. of poppy husk was effected from the said truck.

Learned counsel for the petitioner(s) further submits that the name of the petitioners have been surfaced only on the basis of disclosure statement of their co-accused namely Pardeep Singh @ Thatta. No recovery is to be effected from the petitioners. He relies upon the order dated 09.03.2022, passed in CRM-M-9191-2022, whereby the co-accused of the petitioners namely Amarjeet has been granted the concession of regular bail by this Court. It is asserted that the case of the petitioners is also on same footing as that of Amarjeet Singh.

Learned State counsel has vehemently opposed the prayer made in the present petitions stating that it has come during investigation that the petitioner(s) were in touch with the aforesaid co-accused on his mobile phone and had made four mobile calls on 04.06.2021, when the recovery was effected. Learned State counsel further submits that recovery from the co-accused is of commercial quantity.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case and considering the fact that the co-accused namely Amarjeet Singh has been granted the concession of bail by this Court and also the fact that the

conclusion of trial is likely to take a long time. The petitioners who are at

parity with co-accused Amarjeet Singh also deserve the benefit of concession of regular bail.

The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

Ordered accordingly.

A copy of this order be placed on the file of the other connected petition.

22nd NOVEMBER, 2022
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No