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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6987-2023 (O&M)
DECIDED ON: 15th FEBRUARY, 2023

PIRTHI PAL SINGH

PETITIONER

VERSUS

STATE OF HARYANA

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

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 & Psychotropic Substances Act, 1985 at Police Station Sadar Narwana, District Jind.

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

petitioner is on similar footing as that of his co-accused, namely, Amarjeet Singh, Champa Lal, Ishwar Ram and Ravinder Singh who have been granted the concession of regular bail by this Court vide orders dated 09.03.2022 passed in CRM-M-9191-2022 and dated 22.08.2022 passed in CRM-M-4708-2022, CRM-M-35111-2021 and CRM-M-787-2022 (Annexures P-2 to P-5 respectively)

Learned counsel for the petitioner further submits that there is no other case against him who has been falsely implicated merely on the basis of the fact that he was driving the truck as a servant of main accused. It is also argued on his behalf that he has no relevance or knowledge about the contraband.

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. He has not disputed the fact that the petitioner is also similarly situated with his co-accused.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the co-accused of the petitioner have already been granted the bail by this Court; no incriminating substance was recovered from the

petitioner after his arrest; challan stands filed and conclusion of trial is likely to take a long time added with the fact that there is no active role attributed to the petitioner and also in view of the ratio of law laid down in ***Toofan Singh's case (Supra)*** relied upon by the petitioner, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

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.

The petition stands allowed.

**SANDEEP MOUDGIL
JUDGE**

15th FEBRUARY, 2023
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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |