

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(281)

CRM-M-11818 of 2023
DATE OF DECISION:-15.03.2023

Sanjeev Kumar

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sanjeev Majra, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.688 dated 04.11.2022 under Sections 21, 27-A, 29, 61, 85 of NDPS Act, 1985, registered at Police Station Sadar Thanesar, District Kurukshetra.

In the present FIR pertains to alleged recovery of 10 grams of Heroin from the co-accused Raj Kumar @ Raju. Learned counsel for the petitioner submits that petitioner was implicated on the basis of disclosure statement made by the aforesaid co-accused Raj Kumar @ Raju and no recovery was effected from the petitioner. He further submits that petitioner is behind the bars since 06.12.2022 and the evidentiary value of the disclosure made by co-accused Raj Kumar @ Raju has to be gone into during trial which is likely to take some time. Learned counsel relies upon the order dated 24.02.2023 passed in **CRM-M-9040-2023** titled **Sunil @ Babbu Vs. State of Haryana**, wherein, the other co-accused who was also implicated on the basis of disclosure made by Raj Kumar @ Raju, was granted concession of regular bail by this Court.

On the other hand, learned State counsel opposes the prayer made herein while submitting that the investigating in the present FIR is still going on.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

In the present case, no recovery has been effected from the petitioner who has been implicated on the basis of disclosure made by Raj Kumar @ Raju whereas, the evidentiary value thereof is yet to be evaluated during the trial. The quantity involved being non-commercial and the petitioner is behind the bars for a period of more than 3 months now as well as the trial no doubt going to take some time besides the fact that under similar circumstances this Court vide order dated 24.02.2023 passed in **CRM-M-9040-2023** titled **Sunil @ Babbu Vs. State of Haryana**, having granted the concession of regular bail in favour of co-accused Sunil @ Babbu, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

15.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No