

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216-2

CRM-M-12455-2023

Date of decision: 21.09.2023

Himanshu @ Manu @ Sangthan

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Rajesh Lamba, Advocate, for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana

DEEPAK GUPTA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.43, dated 23.02.2021, registered under Sections 20-C, 27-A and 29 of the NDPS Act, 1985, at Police Station Sadar Fatehabad, District Fatehabad.

As per the prosecution allegations, 201 kg. 450 grams of *ganja* contained in 8 plastic bags were recovered on 23.02.2021 by the police from a car make Etios bearing registration No.HR22-S-8269, which was occupied by two persons, i.e. the present petitioner, Ram Niwas and one Dharamvir Singh.

Learned counsel for the petitioner submits that the name of the petitioner was disclosed by the aforesaid co-accused as per which 50 kilogram of the contrabands was to be supplied to the petitioner.

Learned counsel contends that similarly placed co-accused,

Kuldeep alias Figo, has already been granted bail vide order dated 18.07.2022 passed in CRM-M-50726-2021 by a coordinate Bench (Annexure P-3).

Reply by way of affidavit of Sh. Kulwant Singh, HPS, Deputy Superintendent of Police, Fatehabad, dated 14.09.2023, filed on behalf of the respondent-State has been placed on record by the learned State counsel.

Custody certificate dated 20.09.2023 in respect of the petitioner has also been placed on record, revealing that the petitioner is in custody for the last 1 year, 3 months and 05 days.

Although the petitioner is involved in four other criminal cases but none of the cases pertains to the NDPS Act.

Having regard to the facts and circumstances of the case, particularly the fact that no recovery was effected from the petitioner and the fact that similarly placed co-accused has already been admitted to bail and on the basis of parity, but without commenting anything on the merits of the case, the present petition is allowed. The petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

(DEEPAK GUPTA)
JUDGE

September 21, 2023
vcgarg

Whether speaking/reasoned:	Yes
Whether reportable:	No