

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-17442-2023

Date of Decision: 20.04.2023

Balwan @ Ballu and another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Raman Chawla, Advocate for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Petitioners, namely; Balwan @ Ballu and Savitri, have filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 760 dated 19.06.2022 registered under Section 20(b)(ii)(C) of the NDPS Act (Sections 20(C), 25 and 27-A of the NDPS Act were added later on) at Police Station Sadar Hisar, District Hisar.

Briefly stated, the aforesaid FIR was registered against two accused, namely; Dharampal and Gopi Ram, for having kept in their conscious possession 52.5 kgs of Ganja.

Learned counsel for the petitioners, *inter alia* contends that petitioners have falsely been implicated in the present case on the basis of disclosure statements made by co-accused, namely, Dharampal and Gopi Ram, which is a very weak type of evidence. FSL report has still not been received in the present case. Petitioners are not involved in any other case under the NDPS Act. They are in custody since 29.06.2022. Trial is likely to take long time. No useful purpose will be served by

further detention of the petitioner in custody. More so, co-accused of the petitioner, namely; Gopi Ram, Dharampal, Udav Khura, Sewa Devi and Baljeet have already been enlarged on bail vide orders dated 25.01.2023, 23.01.2023 and 10.02.2023 (Annexures P-4 to P-6 and P-8, respectively). Thus, it is prayed that treating the case of the petitioners on the same parity as that of his co-accused, they may also be released on regular bail.

On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner.

Keeping in view the facts and circumstances of the case, custody period of the petitioners and also the fact that co-accused of the petitioner namely, Gopi Ram, Dharampal, Udav Khura, Sewa Devi and Baljeet, have already been enlarged on bail, but without commenting on merits of the case, I am of the considered view that the petitioners deserve the concession of regular bail.

Therefore, the petition is allowed and petitioners, namely; Balwan @ Ballu and Savitri, are ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

20.04.2023*rishu***(ASHOK KUMAR VERMA)
JUDGE****Whether speaking/reasoned****Yes/No****Whether Reportable****Yes/No**