

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

**CRM-M-25674-2022**

**Date of decision : 09.01.2023**

**Kashi Nath Singh @ Musafar ....Petitioner**  
**State of Haryana ...Respondent**  
**Vs.**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Satbir Gill, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

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**MANOJ BAJAJ, J.**

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.64 dated 16.06.2020 under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rori, District Sirsa, who is in custody since his arrest on 16.06.2020.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Sirsa in the order dated 17.08.2020 are as under:-

*“As per FIR on 16.6.2020 during patrolling duty by police officials in the area of Rori-Surtia Road, accused Kashi Nath (petitioner) and Pratim Singh were apprehended in possession of 600 Tramadol Hydrochloride Tablets 100mg. After usual formalities at spot, the present case was registered and the accused were arrested. During further interrogation, accused disclosed that the recovered tablets were supplied to them by Gamma Singh S/of Harcharan Singh, R/of Rori.*

*After usual formalities at spot, the present case was registered and the petitioner was arrested in accordance with law.”*

Learned counsel for the petitioner has argued that after framing of charges on 11.01.2022, only four prosecution witnesses have been examined so far out of total twelve witnesses and his co-accused, namely, Pritam Singh has already been released on bail by this Court vide order dated 05.10.2021 (Annexure P-3), therefore, further custody of the petitioner may not be necessary. He claims parity and prays for bail.

The prayer is opposed by learned State counsel assisted by PSI Munish Kumar on the ground that the petitioner was driving the motorcycle and the contraband contained in the polythene was hanging on the handle of the two wheeler, therefore, the petitioner cannot claim parity with his co-accused, who was a pillion rider. Learned State counsel has produced the custody certificate dated 09.01.2023 by way of affidavit of Ramesh Kumar, DSP, Deputy Superintendent, District Prison, Sirsa, which indicates that petitioner is confined in other cases as well. He prays for dismissal of the petition.

After hearing learned counsel for the parties and considering the above background, this Court finds that the concession of regular bail was extended to the pillion rider upon considering his background that he is not involved in any other case, whereas the petitioner is embroiled in other cases of similar nature. A perusal of the custody certificate further reveals that even in other cases, petitioner is still in custody and considering the nature

of the case, this Court at this stage is not inclined to extend the concession of regular bail to him.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioner on regular bail.

Petition is dismissed.

09.01.2023

vanita

(MANOJ BAJAJ)  
JUDGE

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |