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2023:PHHC:112380

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-26545-2023

Date of decision: 28th August, 2023

Subodh Sahani

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Randeep Singh, Advocate for the petitioner.
Mr. Chetan Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
309	12 th August, 2022	Parao, District Ambala (Haryana)	18 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985

2. Learned counsel for the petitioner claims parity with co-accused Duryodhan Sahni who was granted regular bail by this court in CRM-M-33975-2023 on 31st July, 2023.

3. The following order was passed by this Court on 31st July, 2023

- “1. This petition is filed seeking regular bail in case of FIR No.309 dated 12.08.2022, under Sections 18 and 29 of Narcotic Drugs and Psychotropic Substances, Act, 1985, registered at Police Station Parao, District Ambala Cantt.
2. As per the case set up by the prosecution is that police party on 12.08.2022 on receipt of secret information apprehended Neelam Devi, Duryodhan Sahni (petitioner herein) and Subodh Sahni and recovered 3 Kgs. opium from the conscious possession of Neelam Devi.
3. Learned counsel for the petitioner submits that the petitioner is in custody since 12.08.2022 and it is a case of false implication. No recover was made from the petitioner or at his instance; he is not involved in any other case.
4. Learned State counsel opposes the prayer and submits that all the three accused were together when the contraband was recovered from coaccused Neelam Devi.
5. Without commenting upon the merits of the case, considering that the no recovery was made from the

conscious possession of the petitioner; he is not involved in any other case and conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. *The petition is allowed.*

7. *Since the main case has been decided, the pending application, if any is rendered infructuous.”*

4. Reply filed by learned State counsel is taken on record.

Copy supplied to learned counsel for the petitioner.

5. Learned counsel for the State though opposes the prayer for grant of bail but on instructions fairly submits that challan has been presented. He is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

6. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, and though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

28th August, 2023

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No