

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

213

CRM-M-24805-2020

Date of Decision :-18.07.2023

Gurpreet @ Rimple

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gautam Kumar, Advocate for
Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.249 dated 08.06.2015 registered under Sections 15, 25, 27-A, 29 and 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 420, 468 and 201 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and he has only been roped in the present case on the basis of the disclosure statement of the co-accused, which disclosure statement is yet to be proved during the course of trial and there is no other material, which has come on record to connect the petitioner with the allegations alleged in the FIR. Learned counsel for the petitioner further submits that keeping in view the order dated 03.03.2021 passed by the Coordinate Bench of this Court, the petitioner is already on interim bail and

there is no allegation that the said concession is misused by him hence, the petitioner may kindly be granted concession of regular bail.

Learned State counsel does not dispute the fact that the petitioner is already on interim bail keeping in view the order dated 03.03.2021 passed by the Coordinate Bench of this Court and the said concession has not been misused by the petitioner. It is also conceded by learned State counsel that the petitioner has been roped in the present case on the basis of the disclosure statement of the co-accused and no recovery has been effected from him and there is no other case pending against him.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case that the petitioner has been roped in the present case on the basis of the disclosure statement of the co-accused, which disclosure statement is yet to be proved during the course of trial and no contraband has been recovered from him and no material has been brought to the notice of this Court, which has come on record so as to connect the petitioner with the allegations except the disclosure statement of the co-accused coupled with the fact that the petitioner is already on interim bail keeping in view the order dated 03.03.2021 passed by the Coordinate Bench of this Court, the petitioner has made out a case for the grant of benefit of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded, in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 18, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*