

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

202

CRM-M-34251-2022 (O&M)

Date of Decision: 31.01.2023

PINTU KUMAR @ PINTU DANGI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. PS Sekhon, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.137 dated 14.06.2021, under Sections 18, 27-A and 29 of the NDPS Act, registered at Police Station Guhla, District Kaithal, the first one having been dismissed as withdrawn on 23.03.2022.

Learned counsel for the petitioner submits that, as per the case of the prosecution, the alleged contraband recovered in the present case, was supplied by the petitioner and co-accused, namely, Baltej Singh @ Babbu, was the financier of the same; that co-accused, Baltej Singh has already been granted the concession of bail by this Court on 11.01.2022; that the petitioner has been indicted in the present case on the basis of the disclosure statement of co-accused, namely, Sandeep Kumar Dangi, who himself was indicted on the basis of the disclosure statement of other co-accused; that allegedly recovery of Rs.10,000/- had

already been effected from the petitioner and that the petitioner has been in custody since 14.09.2021.

Learned counsel for the petitioner further submits that as far as other case registered against the petitioner, under the NDPS Act, is concerned, he is on bail and that in the said case, no recovery was effected from the petitioner and he was indicted on the basis of the disclosure statement of the co-accused therein.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that a huge recovery of 21 kg Opium was effected from co-accused, namely, Gurpreet Singh and that the said contraband was supplied by the petitioner. Thus, the petitioner is not entitled for grant of regular bail. She further submits that material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.09.2021. In another case registered against the petitioner in Jharkhand, he is on bail and was indicted on the basis of the co-accused therein. Recovery of Rs.10,000/- has already been effected. No contraband was recovered from the petitioner. Co-accused has already been enlarged on bail. Most of the prosecution witnesses and the material witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on

the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

31.01.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No