

CRM-M-34079-2023
Date of Decision:21.07.2023

Karan Singh ...Petitioner

VS.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Pratham Sethi, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.405 dated 05.04.2022 registered under Section 17(c) of NDPS Act, 1985 (Sections 27-A and 29 of NDPS Act added later on) at Police Station Hisar Sadar, District Hisar (Annexure P-1).

The allegations in nut-shell are that on 05.04.2022 co-accused Ghevar Ram and Rakesh were arrested by the police on the basis of secret information and 8.250 kgs. of Opium was recovered from the vehicle, in which both of them were travelling. Subsequently, the present petitioner was nominated as an accused on the basis of disclosure statement made by Ghevar Ram to the effect that the aforesaid contraband was meant to be delivered to 5 different persons including the present petitioner.

Learned counsel for the petitioner submits that the petitioner was

named as an accused on the basis of the disclosure statement made by co-accused Ghevar Ram and the said disclosure statement is subject matter of trial. He further contends that the petitioner was arrested on 05.02.2023 and the challan has been presented against him. Even no contraband was recovered from the possession of the petitioner and he is not having criminal history. He further contends that similarly placed co-accused, namely, Kuldeep and Pardeep Dahiya have been granted the concession of bail passed by this Court vide orders Annexures P-4 and P-5, respectively. He further contends that the conclusion of the trial will take quite a long time as the same is at the initial stage.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner, however, she could not dispute the factual submissions made above.

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the petitioner is in custody since 05.02.2023 and the challan has been presented against him. Further, similarly placed co-accused have been granted the concession of bail passed by this Court vide Annexures P-4 and P-5, respectively.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

21.07.2023

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(N.S.SHEKHAWAT)

JUDGE

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