

(204)

2023:PHHC:111655

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42097 of 2022

Date of Decision: August 25, 2023

Dasrath @ Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Jagjit Singh Gill, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.0470 dated 19.12.2021 registered under Section 21C/61/85 of NDPS Act, 1985 at Police Station Ellanabad, District Sirsa.

A communication dated 01.08.2023 issued by Superintendent District Jail, Mandor has been placed on record by learned State Counsel, as per which, petitioner is in custody since 15.03.2022 and that as on 01.08.2023, his custody period was 01 year 04 months and 17 days.

As per prosecution allegations, 405 grams of heroin was recovered from co-accused Karamjit Singh when he along with Vijay Kumar and Sandeep were found travelling in a car on 19.12.2021 by a police party.

It is contended by learned counsel for the petitioner that petitioner is not named in the FIR; that co-accused Vijay Kumar and Sandeep Kumar specifically named in the FIR, have already been allowed bail in CRM-M-9987 of 2022 (Annexure P.3). It is pointed out that said

Gowardhan has also been allowed bail by a co-ordinate Bench of this Court vide order dated 04.05.2022 in CRM-M-7332 of 2022 (Annexure P.4).

Learned State Counsel could not refute the afore-said contentions to the effect that the petitioner is not named in the FIR; that no recovery has been effected from him and that co-accused Vijay, Sandeep and Gowardhan have already been allowed bail. It has not disputed that no amount was found to have been deposited in the account of one Gowardhan. However, bail petition is opposed on the ground that amount in the account of Gowardhan was deposited at the behest of the petitioner.

Contention of the prosecution to the effect that amount was deposited in the account of Gowardhan was at the behest of petitioner will be subject of matter of trial.

Having regard to the facts and circumstances of the case and also keeping in view the custody period undergone by the the petitioner, but without commenting anything on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

August 25, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No