

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

**CRM-M-43773-2022
DECIDED ON: 30.01.2023**

HARBANS KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ashish Aggarwal, Advocate for
Mr. Sandeep Kumar Bokolia, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.99, dated 15.05.2022 under Sections 15, 18, 21, 22, 29, 61, 85 of NDPS Act, 1985 (offence under Section 27-A added later on) registered at Police Station City South, Moga, District Moga (Annexure P-1).

Learned counsel for the petitioner contends that no recovery has been effected from the possession of the petitioner and initially 8 persons were roped in the FIR and the only recovery effected whatsoever is from the possession of co accused Babli, who has been granted regular bail by this Court vide order dated 16.12.2022 passed in CRM-M-57686-2022. He has also drawn attention of this Court to the fact that the other co-accused namely Jayant Kumar @ Janta Kabadia, Rakesh Mangla @ Rakesh Kumar @ Soni and Rani have been granted anticipatory bail in CRM-M-43521-2022, CRM-M-45697-2022 & CRM-M-46751-2022 respectively, vide

order dated 13.12.2022.

Notice of motion.

On the asking of Court, Mr. Mohit Kapoor, Addl. AG, Punjab accepts notice on behalf of respondent-State and files the custody certificate which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 5 months and 18 days and there is no other case against the petitioner.

Looking into the totality of facts and circumstances, this Court is of the considered view that the trial is likely to take some time and all other co-accused are on anticipatory bail or regular bail, therefore, the petitioner also cannot be discriminated, as such is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

30.01.2023
Meenu

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