

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.208

CRM-M-50749-2021 (O&M)

Date of decision : 02.03.2023

Gaurav Arora

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Cheema, Sr. Advocate with
Mr. Sonpreet Brar, Advocate, for the petitioner.

Mr. Deepak Grewal, DAG, Haryana

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.277 dated 29.07.20202, registered at Police Station Sadar Fatehabad, District Fatehabad, under Sections 22 (c) & 27-A of NDPS Act, 1985.

Learned senior counsel for the petitioner submits that the petitioner has been in custody over 1 ½ years. The trial is not likely to be concluded at an early date as examination of PWs has not commenced as yet. The petitioner has been nominated as an accused in the present case on the disclosure statement of a co-accused recorded more than six months after the arrest of the main accused. This is the only evidence against the petitioner and such evidence is not sufficient for conviction. Although, there are pending criminal case against the petitioner, his involvement in the said cases is only on account of he being an authorized manufacturer of medicines. He is a respectable businessman and is not a criminal. The co-accused have already been granted regular bail and thus, on the principle of parity also, the petitioner deserves to be granted regular bail.

Custody certificate dated 28.02.2023 checked by Sh. Kulwinder Singh, Jail Superintendent, District Jail, Barnala has been filed in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 01 year, 07 months and 09 days and there are 07 other criminal cases pending against him. One acquittal has already been recorded and in 02 criminal cases production warrants have been issued.

Learned State counsel concedes that examination of PWs has not yet commenced. He does not dispute that the petitioner has been nominated as an accused on the basis of disclosure statement of a co-accused. He also does not dispute that the petitioner is a businessman and is engaged in the business of manufacture of medicine.

In view of above, it is evident that the trial is not likely to be concluded at an early date. The chances of the petitioner being convicted are bleak as the only evidence against him is disclosure of a co-accused. He being a respectable business the likelihood of his committing any crime while on bail is also bleak.

Keeping in view these facts, I deem it appropriate to grant regular bail to the petitioner. The petition is allowed and it is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. One of the conditions of bail shall be marking of presence on the first day of every third month in the local police station.

(SUDHIR MITTAL)
JUDGE

02.03.2023

Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

No