

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-45447-2023

Date of Decision : October 12, 2023

Swaroop Singh

...Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.79 dated 20.03.2021 registered under Sections 26, 61 & 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Civil Lines Jind, District Jind.

Learned counsel for the petitioner argues that the petitioner is entitled for the grant of benefit of regular bail as the other co-accused namely, Manish Kumar, who is a son of the petitioner, against whom the similar allegations have been alleged, has already been granted the concession of regular bail by the Coordinate Bench of this Court while passing order in **CRM-M-43861-2022** titled as **Manish Kumar vs. State of**

Haryana on 19.07.2023. Learned counsel for the petitioner submits that as per the FIR, contraband was in the joint custody of both the accused and once the co-accused has already been granted concession of regular bail, the petitioner who is 77 years of age may kindly also be granted the said benefit.

Learned State counsel submits that most of the cited witnesses have already been examined but concedes the fact that the co-accused against whom the similar allegations have been alleged, has already been granted the concession of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-43861-2022 titled as Manish Kumar vs. State of Haryana on 19.07.2023.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioner is 77 years of age and is behind the bars for the last 02 years and 06 months and the co-accused against whom similar allegations have been alleged, has already been granted concession of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-43861-2022 titled as Manish Kumar vs. State of Haryana on 19.07.2023, the petitioner has made out a case for the grant of benefit of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of

trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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