

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

CRM-M-49008-2023

Date of Decision:15.11.2023

Gurpritam Singh

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Ashutosh Gupta, Advocate and
Mr. Vishal Saini, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 573 dated 16.08.2023 registered under Sections 18 and 27A of NDPS Act, Police Station Thanesar Sadar, District Kurukshetra (Anneuxre P-1).

2. As per the of the prosecution, at about 06 p.m., on 16.08.2023, police team headed by Mandeep Singh, Inspector was present in the Pipli Kurukshetra bridge in search of suspected persons and received a secret information that the truck driver of the vehicle bearing registration No. PB-11-CN-625 was carrying the contraband. On getting the information, the barricade was set up on the highway and at about 6.25 p.m., a truck was seen coming from the side of Karnal. The truck was stopped and the name and address of the driver was disclosed as Yashpal son of Ammi Chand, resident of House No. 1068, Jagdeesh Colony, Ward No. 4, Old Rajpura, District Patiala, Punjab. After following the due process, the recovery of 20 kgs and 800 gms of opium was effected from Yashpal, truck driver.

3. Learned counsel for the petitioner submits that the petitioner has not been named in the present case and has been involved in the present case on the basis of the disclosure statement suffered by the co-accused Yashpal. In

fact, the petitioner is involved in the present case as he is son of Yashpal , the main accused. The petitioner was arrested in the present case on 18.08.2023 and no recovery was effected from him. He has also relied upon the order dated 21.09.2023 (Annexure P-5) passed by this Court, whereby the co-accused has already been granted the concession of bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and does not deserve the concession of bail.

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

6. In the present case, the petitioner was not named in the FIR nor he was arrested at the spot. The only incriminating evidence, at this stage, against him is the statement suffered by the co-accused in police custody and the admissibility of the said statement is yet to be adjudicated by the trial Court. Further, the co-accused has already been granted the concession of bail by this Court.

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

(N.S.SHEKHAWAT)
JUDGE

15.11.2023
hitesh

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