

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-51840-2022

Date of Decision: 19.01.2023

Umesh Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.S. Gill, Advocate for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 18.01.2023 and reply dated 12.01.2023, by way of affidavit of Sh. Mukesh Kumar, Deputy Superintendent of Police (HQ), Karnal, on behalf of respondent-State, filed by learned counsel for the State are taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 987 dated 20.10.2021 registered under Section 18 of the NDPS Act and Section 420 IPC at Police Station Sadar Karnal, District Karnal.

As per prosecution story, the only role attributed to the petitioner is that he is running a mobile repair shop under the name and

style Verma Telecommunication and had provided a mobile SIM card to his co-accused/Gurlal, on the basis of ID of some other person for a sum of Rs.2500/- which was used by him in commission of crime.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case on the basis of disclosure statement suffered by this co-accused, which is a very weak type of evidence. He was not named in the FIR. No recovery has been effected from him. The petitioner is in custody since 29.09.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Co-accused of the petitioner, namely; Gurlal Singh and Danish Alam, have already been granted the concession of bail by this Court, vide orders dated 08.03.2022 and 08.02.2022 (Annexures P-3 and P-4, respectively). Thus, it is prayed that treating the case of the petitioner on the same parity as that of his co-accused, he may be granted the concession of regular bail.

On the other hand, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the custody period of the petitioner and also treating the case of the petitioner on the same parity as that of his co-accused, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Umesh Kumar, is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

January 19, 2023
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(ASHOK KUMAR VERMA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>