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

CRM-M-60023-2022

Decided on:-09.01.2023

Partap

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Govind Mor, Advocate,
for the petitioner.

Mr. Vijesh Sharma, Additional Advocate General, Haryana.

HARKESH MANUJA J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial in case FIR No.328 dated 20.09.2018, under Sections 420, 201 IPC and Section 20/27-A/29-61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (later on Section 201 IPC and Section 27-A/29-61 of the NDPS Act were added), registered at Police Station Sadar Jind, District Jind.

Learned counsel for the petitioner contends that the petitioner was never named in the FIR and was implicated only on the basis of disclosure statement made by one Rajesh. He further submits that said Rajesh has already been granted the concession of regular bail by this Court passed in CRM-M-24018-2019 vide order dated 30.09.2019. Moreover, no recovery has been effected from the petitioner.

Learned State counsel on instructions from police official does

not dispute the aforesaid contentions raised on behalf of the petitioner.

Heard learned counsel for the parties and perused the paper book.

Admittedly, the petitioner was neither named in the FIR nor any recovery has been effected from him and in fact, he was implicated merely on the basis of statement made on behalf of his co-accused, namely, Rajesh, who has already been granted the concession of regular bail by this Court passed in CRM-M-24018-2019 vide order dated 30.09.2019. More than that, the investigation has already completed and charges have been framed, however, none of the witnesses has been examined so far and the trial is likely to take some time and as such no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner, namely, Partap is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial court/Duty Magistrate.

09.01.2023

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No