

2023:PHHC:135148
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-51777-2023
Date of Decision:17.10.2023

Ishwar

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Nitin Meel, 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. 405 dated 05.04.2022 registered under Sections 17(c) of Narcotics Durgs and Psychotropic Substances Act, 1985 (Section 27A and 29 of Narcotic Drugs and Psychotropic Substances Act added later on) Police Station Hisar Sadar, District Hisar (Annexure P-1).

2. Learned counsel for the petitioner submits that in the present case, on 05.04.2022, co-accused Ghewar Ram and Rakesh, were arrested by the police on the basis of a secret information and 8.250 Kgs of opium was recovered from a vehicle, in which the said accused were travelling. Later on, it has been alleged that the petitioner was nominated as an accused on the basis of the disclosure statement made by co-accused, wherein they had stated that the petitioner had also supplied money to them and the contraband was yet to be delivered to the present petitioner. Learned counsel for the petitioner further relied upon the orders passed by this Court in CRM-M-26118-2022 titled as

“Kuldeep Vs. State of Haryana” (Annexure P-2), CRM-M-30363-2023 titled as “Pardeep Dahiya Vs. State of Haryana” (Annexure P-3), CRM-M-34079-2023 titled as “Karan Singh Vs. State of Haryana” (Annexure P-4) and CRM-M-19057-2023 titled as “Rajesh Kumar @ Bhal Singh Vs. State of Haryana” (Annexure P-5) and submits that similarly placed co-accused have already been granted the concession of bail by this Court. He next contends that the petitioner was arrested in the present case on 03.07.2023 and no recovery was effected from him. He further contends that the petitioner is a first offender and was not involved in any other criminal activity.

3. On the other hand, learned State counsel has opposed the prayer made by the present petitioner, however, she could not dispute the factual submissions made above.

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

5. The petitioner was arrested in the present case on 03.07.2023 and is in custody for the last more than three months. Similarly placed co-accused namely Kuldeep, Pardeep Dahiya, Karan Singh and Rajesh Kumar @ Bhal have already been granted the concession of bail by this Court.

6. 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.

17.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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