

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

CRR-2363-2023 (O&M)

Date of Decision:06.11.2023

Sewadan

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The present revision petition has been filed before this Court against the impugned order dated 18.07.2023 passed by the Court of Additional Sessions Judge, Panipat, whereby the application under Section 167 (2) Cr. P.C was ordered to be dismissed in a case arising out of FIR No.54 dated 17.01.2023 registered under Sections 20,61,85 of NDPS Act, Police Station Samalkha, Panipat.

2. Learned counsel for the petitioner contends that the petitioner was arrested in the present case 17.01.2023 and was produced before the Court on 18.01.2023. He further contends that the investigation in the present case was conducted and the challan was presented before the Court on 14.07.2023 and since the challan was not presented within a period of 180 days, he is entitled to concession of bail under Section 167 (2) of Cr.P.C. Learned counsel for the petitioner has also placed reliance on the order dated 20.09.2023 passed by this Court in CRR-2066-2023, whereby the revision petition filed by the two similarly placed co-accused was ordered to be allowed by this Court.

3. 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 he does not deserve the concession of bail, however, he admits that the two similarly placed co-accused namely Rachna and Shimla @ Kali have already been granted the concession of bail by this Court vide the order dated 20.09.2023 (Annexure P-2).

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

5. From the record, it is apparent that a detailed judgment dated 20.09.2023 (Anneuxre P-2) has been passed by this Court, whereby the concession of bail was granted to similarly placed co-accused Rachna and Shimla @ Kali by this Court and the petitioner is also similarly placed. Learned State counsel could not bring on record any evidence to show that the case of the petitioner is different from his co-accused.

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.

(N.S.SHEKHAWAT)
JUDGE

06.11.2023
hitesh

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