

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

CRM-M-61419-2023

Date of Decision:12.12.2023

Parveen @ Palu

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Sube S. Kaushik, 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. 06 dated 15.01.2023, (Sections 20 (b) and Section 25 and 29 of NDPS Act added later on) registered at Police Station Bond Kalan, District Charkhi Dadri.

2. Learned counsel for the petitioner contends that in the present case two co-accused namely Krishan son of Bihari Singh and Kailash son of Chander Bhan were arrested and 2Kg and 700 grams of opium was allegedly recovered from them. Learned counsel further submits that the petitioner was not named in the present FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the commission of crime. He further contends that the during the course of investigation, co-accused namely Krishan son of Bihari Singh and Kailash son of Chander Bhan allegedly suffered statements and on the basis of said statements, the petitioner has been

arrayed as an accused in the present case. Learned counsel further contends that the petitioner was arrested on 29.07.2023 and even after his arrest, no recovery was effected from him. He further contends that in the present case, co-accused namely Krishan son of Bihari Singh and Kailash son of Chander Bhan have already been granted the concession of bail under Section 167 (2) Cr.P.C and further custody of the petitioner will not serve any meaningful purpose.

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.

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

5. The petitioner was arrested in the present case on 29.07.2023 and is in custody since then. Even the co-accused namely Krishan son of Bihari Singh and Kailash son of Chander Bhan have already been granted the concession of bail. The petitioner is not involved in any other case.

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

12.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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