

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

289 CRM-M-12627-2024
Date of Decision.:19.03.2024

Raj Kumar @ BholiPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.401 dated 27.07.2023 registered under Sections 22-C, 27-A & 29 of NDPS Act, 1985 registered at Police Station Sadar Fatehabad, District Fatehabad.

2. As per allegations, 3000 intoxicating tablets containing salt of Alprazolam weighing 529 grams were recovered from the gear box of the car which was being driven by co-accused Chander Pal. It is alleged that said co-accused nominated one Aditya to be one of the supplier. Aditya further nominated one Jony Kumar to be supplier. Jony Kumar nominated Pawan to be the supplier for an amount of ₹4,000/-. Thereafter, Pawan nominated petitioner to be the supplier stating that he had purchased 15 boxes of intoxicating tablets from the petitioner for an amount of ₹4,500/-.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that co-accused Aditya has already been allowed bail by this Court vide order dated 20.12.2023 passed in CRM-M-47768-2023. Another co-accused Pawan Kumar, on the basis of whose disclosure statement petitioner has been arrested has already been allowed bail by this Court vide order dated 11.03.2024 passed in CRM-M-61537-2023, copy of which has been placed on record.

4. Notice of motion.

5. Mr. Randhir Singh, Addl. AG, Haryana accepts notice on behalf of respondent- State.

6. Learned State counsel could not refute the aforesaid contentions. It is conceded by learned State counsel that petitioner has been arrested on the basis of disclosure statement of co-accused Pawan, who has already been allowed bail. It is also conceded that no recovery has been effected from the petitioner. Petitioner was arrested on 14.10.2023 as stated by learned State counsel and thus he is in custody for the last more than five months.

7. Learned State counsel also informs that challan has already been presented after conclusion of the investigation, though charges are yet to be framed and thus trial is likely to take long time to conclude.

8. Having regard to the above facts and circumstances, particularly on the basis of parity, but without commenting anything further on the

merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

March 19, 2024

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No