

CRM-M-20391-2024 2024:PHHC:060064 -1-

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

**225 CRM-M-20391-2024
DATE OF DECISION: 01.05.2024**

MOHIT

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kuldeep Sheoran, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail in case of FIR No. 414, dated 13.11.2022, under Sections 18(C), 29/61/85 of The Narcotic Drugs and Psychotropic Substances Act, 1985 registered at P.S. Uklana, Distict Hisar.

Learned counsel for the petitioner contends the instant FIR was registered as the petitioner along with co-accused were allegedly found having possession of 3.100 Kg opium in a vehicle canter. Though the petitioner was arrested from the spot but was only present there being a helper at the offending vehicle i.e. Eicher Canter. He further submits that similarly situated co-accused namely Chaman, Sandeep @ Sonu, Kuldeep, Binder Singh, Gurmeet Singh have already been granted bail by this Court.

Learned State counsel has produced the custody certificate and the same is taken on record. According to the custody certificate, the

petitioner is behind the bars for 1 year, 5 months and 16 days. He submits that there are 25 prosecution witnesses to be examined.

Apart from the fact that the petitioner was arrested from the spot, by virtue of working as a helper in the canter, no other incriminating material has been pointed out at this stage by learned State Counsel.

Be that as it may, keeping in view the facts that the petitioner is behind the bars for almost last 1 year, 5 months and 16 days and is not involved in any other case, meaning thereby he is not a habitual offender. Further the case of the petitioner becomes strengthen on the basis that the similar situated co-accused namely Chaman, Sandeep @ Sonu, Kuldeep, Binder Singh, Gurmeet Singh have already been granted bail by this Court. The trial will take time to conclude as prosecution has to examine 25 witnesses. Keeping in view the above said facts and circumstances, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

01.05.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>