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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30410-2024(O&M)

Date of decision:-23.08.2024

JOGINDER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana

SANJIV BERRY, J. (ORAL)

CRM-31349-2024

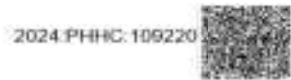
1. Application is for placing on record copy of order dated 02.08.2024 passed by this Court in CRM-M-36076-2024 granting bail to the similarly situated co-accused as Annexure P-5 and exemption from filing certified copy of the same.

2. Application is allowed, subject to all just exceptions. Copy of order dated 02.08.2024 passed by this Court in CRM-M-36076-2024 (Annexure P-5) is taken on record.

Main case

1. Learned counsel for the State has filed custody certificate dated 22.08.2024, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the



following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
379	13.07.2023	15, 27-A, 29 (Act No. 61) of Narcotic Drugs and Psychotropic Substances Act 1985	Sadar Fatehabad, District Fatehabad

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and is having no criminal antecedents, and has no role in the alleged transactions but has been falsely named in the FIR. He contends that no recovery of contraband has been effected from the petitioner nor from the vehicle in which he was traveling at the relevant time. He submits that co-accused Sharif Khan has already been granted concession of regular bail vide order dated 02.08.2024 passed in CRM-M-36076-2024, as such he prays for grant of concession of regular bail to the petitioner who is in custody since 14.07.2023.

4. *Per contra*, learned State counsel has opposed the bail application by arguing that huge recovery of 300 kgs Kachra (poppy husk) was effected in the case, as such the petitioner is not entitled for concession of regular bail. However, on query he has admitted that the petitioner was on the conductor seat of the car driven by co-accused Sharif Khan who has since been granted concession of bail by this Court and no recovery of contraband has been effected from the car in which petitioner was traveling.

5. After considering the rival contentions and perusing the record, it transpires that as per the allegations levelled in the FIR, petitioner was traveling in car No. RJ02-C G-7550 driven by co-accused Sharif Khan. It is alleged that this car was acting as pilot to the car following, which was carrying contraband. Admittedly no recovery from the car in which the

petitioner was traveling has been effected. The petitioner is not having any criminal antecedents and is in custody since 14.07.2023. After completion of investigation challan has already been presented in Court and admittedly the driver of the said car in which the petitioner was also traveling has since been granted concession of bail by this Court vide order dated 02.08.2024 passed in CRM-M-36076-2024 (Annexure P-5). The conclusion of trial to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time and no purpose would be served by detaining him in custody any longer.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any other case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.08.2024

Gyan

i)

Whether speaking/reasoned?

Yes/No

ii)

Whether reportable?

Yes/No