

Date of Decision: 06.08.2024

Versus

2. Learned counsel for the petitioner *inter alia* submits that FIR in the present case was registered against three accused namely Satender @ Bhandari, Sandeep @ Bholu and Sudama. The petitioner was neither named in the FIR nor arrested at the spot. He was nominated on the basis of the disclosure statement of the co-accused i.e. owner of the truck and the petitioner is in custody since 29.02.2024. He further submits that other co-accused mentioned above have already been granted concession of regular bail by this Court on 24.07.2024 (Annexure P-2) and the petitioner seeks concession of regular bail on the basis of parity.

3. Notice of motion.

4. Mr. Rajiv Sidhu, DAG, Haryana accepts notice on behalf of the State. He submits that the petitioner was driving the truck from which liquor meant to be sold in Chandigarh, was recovered. He was nominated on the basis of the disclosure statement of the owner of the truck. Challan has been presented in the present case and charges have been framed. He further submits that petitioner is involved in one more case under the Public Gambling Act, 1867. However, the learned State counsel has fairly admitted that the petitioner is in custody since 29.02.2024 and other co-accused have already been granted concession of regular bail.

5. I have heard the submission of the learned counsel for the petitioner, learned State counsel and have gone through the paper-book.

6. Keeping in view the fact that petitioner was nominated on the basis of the disclosure statement of the co-accused, who have already been granted concession of regular bail by this Court; trial of the case would take a long time. So, no useful purpose would be served by keeping the petitioner behind the bars. Petitioner is entitled for bail on the ground of parity also.

7. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

8. The petitioner shall get his mobile number registered in the trial Court for receiving messages through CIS and shall not change his mobile number during pendency of the case. The petitioner shall also inform his residential address to Court and also to the concerned police station. The petitioner shall not change his residence without informing the

Court/concerned police station. In case of default, the learned trial Court is free to cancel the bail granted to the petitioner.

9. However, nothing contained here-in-above shall be construed as an expression of opinion on the merits of the case. If the petitioner indulges in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of his bail granted vide this order.

06.08.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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