

S. No.219

2024:PHHC:004025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48146 of 2023 (O&M)

Date of Decision:12.01.2024

Sahi Ram

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.270 dated 17.11.1998 registered under Sections 28/25/27-A/61/85 of Narcotic Drugs and Psychotropic Substances Act, at Police Station Bhattu Kalan, District Fatehabad (Haryana).

Status report by way of an affidavit of Shri Kulwant Singh, HPS, Deputy Superintendent of Police, Fatehabad has already been received through Registry.

On 16.11.2023, the following order was passed by this Court:-

“Contention of learned counsel for the petitioner is that petitioner along with co-accused Amar Singh were declared proclaimed offender vide order dated 27.02.1999. Learned counsel contends that petitioner was not aware about the lodging of the FIR against him. Attention is drawn towards the contents of the judgment dated 03.12.2001 (Annexure P-3) qua the co-accused, wherein it is disclosed that contraband was recovered from the possession of 04 accused namely Lilu, Kuldeep, Anirudh and Ram Phal who suffered disclosure statement, as per which they had purchased the opium from Amar Singh brought in a truck. The only role attributed to the petitioner is that he is the owner of the truck in which Amar Singh had brought the opium.

Learned counsel further contends that co-accused Amar Singh was also declared proclaimed offender and he has since been allowed bail by a co-

ordinate Bench of this Court vide order dated 17.07.2023 in CRM-M-20277-2019 (Annexure P-4).

Notice of motion.

Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of respondent- State.

Custody certificate has been placed on record by learned State counsel.

Adjourned to 04.01.2024 for filing status report.”

Learned State Counsel, while opposing the bail petition, submits that in fact it is the petitioner – Sahi Ram, owner of the truck, who had brought the opium as per the disclosure statement of Amar Singh as well as Sahi Ram.

On the other hand, learned counsel for the petitioner submits that Amar Singh, has already been allowed.

Perusal of the custody certificate reveals that petitioner is in custody for the last 01 year 03 months and 09 days with no criminal antecedents. Trial may take long time to conclude.

Having regard to all the afore-said facts and circumstances, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 12, 2024
renu

(DEEPAK GUPTA)
JUDGE

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