



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

CRM-M-48640-2024

Date of Decision: 04.10.2024

Sandeep Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vishal Sharda, Advocate
 for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.480 dated 29.07.2023 registered under Sections 18, 27-A, 29-61-85 of NDPS Act, at Police Station Shahbad, District Kurukshetra.

2. As per case of the prosecution, the co-accused, namely, Harvinder Singh and Parvinder Singh Dolu were found travelling in a truck from which the recovery of 17 kgs of Opium was effected. During the course of investigation, the arrested accused disclosed that the contraband was carried by them at the instance of Jugraj Singh, owner of the truck. It was further alleged that Umesh Paswan had supplied 5 Kg of Opium to Jugraj Singh. Later on, Umesh Paswan was also arrested and he disclosed that he had procured 5 Kg of Opium from the petitioner and two other co-accused.

3. Learned counsel for the petitioner submits that the petitioner was arrested in the present case on 29.06.2024 and after his arrest, no recovery was



effected from him. He further contends that the petitioner has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused, which is inadmissible in evidence. Learned counsel also relied upon the orders (Annexure P-3 to P-6) passed by this Court, whereby the concession of bail has been allowed to co-accused Sahil Vig, Jurgaj Singh, Lakhwinder Singh and Umesh Paswan. He further submits that the petitioner is on parity with the said accused.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. He further contends that there were financial transactions between Umesh Paswan and the present petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, Sahil Vig, Jurgaj Singh, Lakhwinder Singh and Umesh Paswan have already been granted the concession of bail by this Court vide orders (Annexures P-3 to P-6). Even the petitioner is at par with those accused and the present petition deserves to be allowed by this Court.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

04.10.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No