

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

Date of Decision:13.11.2024

...Respondent

N.S.Shekhawat J. (Oral)

2. Learned counsel for the petitioner contends that as per the case of the prosecution, 223 kgs of poppy straw was recovered from the main accused, Harjinder Singh. The petitioner was neither named in the FIR nor there is any averment, which connects the petitioner with the crime. The petitioner has been nominated as an accused on the basis of the disclosure statement suffered by co-accused. He further contends that no recovery was effected from the petitioner and the petitioner is in custody since 02.08.2024. After completion of the investigation, challan has already been presented against the petitioner. He further contends that there is no other case against the petitioner and he belongs



to respectable family. He further relied upon the order dated 29.10.2024 passed by this Court, whereby similarly placed co-accused, namely, Vijay Kumar @ Om Parkash has been granted the concession of bail.

3. 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.

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

5. In the present case, 223 Kgs of poppy straw was recovered from the co-accused and the petitioner has been arrayed as an accused on the basis of the disclosure statement suffered by co-accused only. The petitioner is in custody since 02.08.2024 and no recovery has been effected from him. Moreover, similarly placed co-accused, namely, Vijay Kumar @ Om Parkash has already been granted the concession of bail by this Court.

6. 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.

13.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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