



Date of decision:13.12.2024

Mahesh ...Petitioner

VS.

State of Haryana ...Respondent

Arvind Sharma ...Petitioner

VS.

State of Haryana ... Respondent

Present : Mr. Wazir Singh, Advocate
for the petitioner in CRM-M-55426-2024.

Mr. Rajat Khanna, Advocate with
Mr. Vijay Pratap Singh, Advocate,
Mr. Balwan Singh, Advocate and
Mr. Vishal Saini, Advocate,
for the petitioner in CRM-M-55638-2024.

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

N.S.Shekhawat J.(oral)

CRM-46522-2024 in CRM-M-55426-2024

1. The petitioner has filed the present application under Section 528 of BNSS with a prayer to add Section 238 of BNS in the head note as well as prayer clause of the main petition.

2. For the reasons mentioned in the application, the same is allowed.

Section 238 of BNS is ordered to be added in the head note as well as prayer clause of the main petition. Registry is directed to carry out the necessary



correction in this regard.

Main cases:

1. This order shall dispose off above-said two petitions i.e. CRM-M-55426-2024, titled as Mahesh Vs. State of Haryana and CRM-M-55638-2024 titled as Arvind Sharma Vs. State of Haryana, whereby the petitioners have prayed for grant of anticipatory bail to them in case FIR No.467 dated 30.07.2024 registered under Sections 22-C, 29, 61, 85 of NDPS Act and Section 238 of BNS (added later on), at Police Station Krishna Gate, Thanesar, District Kurukshetra.

2. Learned counsel appearing on behalf of the petitioner - Mahesh (in CRM-M-55426-2024) submits that the petitioner was neither named in the FIR nor was involved in the crime in any manner. He further contends that the petitioner was nominated as an accused in the present case on the basis of the disclosure statement suffered by Arvind Sharma and apart from that, there is no other evidence to connect him with the crime. Learned counsel further contends that 600 capsules of Parvadon Spas containing tramadol salt (60 strips containing 10 capsules each) weighing 325.80 grams; 904 Capsules of Proxyoff Spas containing tramadol salt (113 strips containing 8 capsules each) weighing 465.50 grams; and 1560 Capsules of Parvodon Spas containing tramadol salt (156 strip containing 10 Capsules each) weighing 858 grams (a psychotropic substance provided at Sr. No.110Y of the Scheduled attached with the NDPS Act) were recovered from the possession of Mahipal, co-accused, who has already been arrested by the police. By referring to the orders Annexures P-2 to P-4, learned counsel for the petitioner contends that similarly placed co-



accused, Ghanshyam, Kedar Nath alias Krishan and Mukesh Verma have already been admitted to bail by this Court. Even no recovery was effected from the present petitioner.

3. On the other hand, learned counsel appearing on behalf of the petitioner-Arvind Sharma (in CRM-M-55638-2024) submits that even the petitioner was not named as an accused in the present case and has been nominated as an accused on the basis of the disclosure statement made by Ghanshyam, co-accused, who has already been granted the concession of bail. He further contends that similarly placed co-accused, namely Ghanshyam, Kedar Nath alias Krishan and Mukesh Verma have already been admitted to bail by this Court. The petitioner was arrested in the present case on 18.09.2024.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that serious allegations have been levelled against the present petitioners and they do not deserve the concession of bail by this Court.

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

6. It is not in dispute that similarly placed co-accused, namely, Ghanshyam, Kedar Nath alias Krishan and Mukesh Verma have already been admitted to bail by this Court vide orders Annexures P-2 to P-4 respectively. The petitioners are stated to be in custody since 21.09.2024 and 18.09.2024. Thus, the case of the petitioners is also at par with their co-accused, who have been granted the concession of bail by this Court.

7. Without commenting on the merits of the case, the present

petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

8. Pending application, if any, stands also disposed of.

13.12.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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