

2024:PHHC:001982
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64786-2023
Date of Decision:09.01.2024

Rakesh ...Petitioner

vs.

State of Haryana ...Respondent

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

Present : Mr. Davinder Pal Soni Joura, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. At the very outset, learned counsel for the petitioner submits that Section 18 (A) and 18 (C) of Drugs and Cosmetics Act have not been mentioned in the head note as well as prayer clause of the present petition. Learned counsel for the petitioner is directed to carry out the necessary correction in this regard in the Court today itself.

2. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 559 dated 08.07.2023, registered under Sections 18A,18 (C) of Drugs and Cosmetics Act,1940 and 22C/27A and 29/61 of NDPS Act, Police Station Barwala, District Hisar.

2. As per the case of the prosecution, the FIR in the present case was registered on the basis of a secret information and co-accused namely Sunil son of Birbal was found in possession of 2400 Tablets of Tramadol Hydrochloride 100 Mg.,2100 tablets of Lorazepam, 200 injection of Tramadol Hydrochloride

50 Mg. and 490 injection of Pentazocine on 08.07.2023 and Sunil was ordered to be arrested. It is alleged that during the course of investigation, Sunil had suffered a disclosure statement and named the petitioner is one of the persons, who had supplied the contraband to Sunil.

3. Learned counsel for the petitioner submits that the petitioner was not named in the present case and had no concern with the Sunil, from whom the recovery has been allegedly effected. He next contends that no recovery was effected from the present petitioner and he is in custody since 09.07.2023 and similarly placed co-accused Sonu, Sanjay and Gaurav @Rahul have already been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and with their able assistance, I have gone through the Court record carefully.

6. It is not in dispute that the petitioner is in custody since 09.07.2023 and the investigation has already been completed against him. Apart from that, similarly placed co-accused Sonu, Sanjay and Gaurav @Rahul have already been granted the concession of bail by this Court. Moreover, no recovery has been effected from the present petitioner in the present case and his further custody will not serve any meaningful purpose.

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.

09.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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