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

CRM-M-60481-2024

Date of Decision:09.12.2024

RAKESH KUMAR

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

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

Present : Mr. Devinder Singh, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, with a prayer to grant regular bail to him in case FIR No.0207 dated 27.07.2023, registered under Section 20(b)(ii)(c) of NDPS Act (Section 29 NDPS Act and Sections 120-B, 180, 195, 201, 420 IPC and Section 7 & 12 of Prevention of Corruption Act added later on), Police Station Siwani, District Bhiwani (Annexure P-1).

2. The FIR in the present case was registered against Rajiv and Rajesh, while they were allegedly carrying 1 kilogram 485 gram Charas in an Innova vehicle without any permit or license. During investigation Priyanka wife of Rajiv, co-accused moved an application to the Police, alleging that Manoj Kumar, Advocate and Raghubir wanted to grab the sale proceeds of their plot and due to this reason, they had falsely involved Rajesh and Rajiv in a false



criminal case. The said representation was investigated and ultimately it was discovered that Manoj Kumar and Raghubir had hatched a criminal conspiracy and had falsely involved Rajesh and Rajiv in a criminal case.

3. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR nor had any concern with allegations levelled in the present case. The Charas was allegedly recovered from the possession of Rajesh and Rajiv and the petitioner has been falsely involved in the present case with some ulterior motive. Learned counsel for the petitioner has placed reliance on the orders Annexures P-2 to P-4, whereby co-accused Manoj Kumar, Rakesh and Raghubir @ Raghuvir Singh have been admitted to bail by this Court. The petitioner is in custody for the last more than 6 months and challan against him already presented.

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 petitioner is involved in serious crime and does not deserve the concession of regular bail. However, similarly placed co-accused Manoj Kumar, Rakesh and Raghubir @ Raghuvir Singh have been granted the concession of bail vide orders, Annexures P-2 to P-4 passed by this Court.

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

6. As per custody certificate, the petitioner is in custody for the last more than 6 months and similarly placed co-accused Manoj Kumar, Rakesh and Raghubir @ Raghuvir Singh have already granted concession of bail by this Court. Thus, further custody of the petitioner will not serve any meaningful purpose.



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

09.12.2024
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(N.S. SHEKHAWAT)
JUDGE

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