



236

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

CRM-M-56495-2024**Date of Decision: 13.01.2025**

Sanjay Kumar Mangla

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Vibhor Bansal, 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.47 dated 05.04.2021 registered under Sections 22(c) and 61 of NDPS, 1985 (wherein Section 85 of NDPS added later on), at Police Station Ding, District Sirsa.

2. Learned counsel for the petitioner contends that the petitioner has been nominated as an accused on the basis of the statement made by co-accused Ajay Kumar @ Sonu, while he was in custody. He further contends that the recovery of contraband had taken place from Ajay Kumar @ Sonu, co-accused and no recovery was effected from the present petitioner. He further contends that even during the course of investigation, the police could not collect any evidence to show the involvement of the petitioner in the crime. Learned counsel further contends that the petitioner was arrested in the present case on 15.05.2024 and after completion of investigation, the final report under Section



173 Cr.P.C. has already been presented before the competent Court of law. As per learned counsel, three more cases were ordered to be registered against the petitioner under the provisions of NDPS Act, however, in two cases, further proceedings qua the petitioner have been stayed by Allahabad High Court. Learned counsel has referred to the order dated 15.11.2023 (Annexure P-4) passed by this Court, whereby the concession of bail has been granted to similarly placed co-accused, namely, Ravi Kumar, Ajay Kumar @ Sonu and Mukesh Kumar.

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, admittedly, no recovery has been effected from the petitioner. Moreover, similarly placed co-accused, namely Ravi Kumar, Ajay Kumar @ Sonu and Mukesh Kumar have already been granted the concession of bail by this Court vide order dated 15.11.2023 (Annexure P-4).

6. Thus, 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

13.01.2025

hemlata

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