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

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CRM-M-62591-2024 (O&M)
Date of decision: 13.02.2025

Karandeep Singh @ Karan**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Ms. Kritimaa Sareen, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail in case bearing FIR No. 931 dated 26.10.2022, registered under Section 21 of the NDPS Act, 1985 (Sections 193 and 120-B of IPC and Sections 21(c), 22 and 29 of the NDPS Act were added later on) at Police Station Sirsa City, District Sirsa. The first petition, bearing CRM-M-10218-2024, was dismissed by this Court on 03.09.2024.

The operative part of the order dated 03.09.2024 reads as under :

“6. As per the allegations, on receipt of a secret information, co-accused Sonu @ Mirchi was apprehended by the police party and recovery of 260 grams of heroin was effected from. Thereafter, on the basis of the disclosure statement suffered by him, several other persons were also nominated as accused and arrested in this case. The name of the petitioner has surfaced in the disclosure suffered by co-accused Rahul

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Dhingra with the allegations that they were indulged in the business of selling heroin. An SIT was constituted in this case and a thorough investigation has been made by it, which is apparent from the contents of the status report. The petitioner is involved in one more case under the NDPS Act. The investigation in this case has since been completed, *challan* has been filed and out of total 25 prosecution witnesses, 07 witnesses have already been examined by the trial Court. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner may indulge in similar offences, if extended benefit of bail cannot be stated to be unfounded. Keeping in view the quantity of recovered contraband, the antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.”

2. Learned senior counsel for the petitioner has argued that the present petition has been filed on the ground that after the dismissal of the first petition of the petitioner, the main accused, namely Sonu @ Mirchi, from whom, alleged contraband was recovered, has been granted concession of interim bail by this Court, vide order dated 13.11.2024 passed in **CRM-M-43674-2024** (Annexure P-8). Not only this, co-accused Gaurav Nagpal, Yogesh Sharma @ Yogi, Rahul Dhingra and Arshdeep Singh have also been extended the same benefit. The case of the petitioner is on better footing that that of accused Sonu @ Mirchi and other co-accused. On the

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grounds of parity, the petitioner deserves to be granted the concession of regular bail. Hence, it is urged that the petition deserves to be allowed.

3. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has opposed the prayer made by the petitioner but could not dispute the fact that the main accused Sonu @ Mirchi and some other co-accused have been granted concession of interim bail by this Court.

4. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

5. The first petition filed by the petitioner seeking grant of regular bail was dismissed by this Court on 03.09.2024 as mentioned above. The present petition has been filed on the ground that he is in judicial custody since 06.03.2023 and the main accused Sonu @ Mirchi and some other co-accused have been granted concession of interim bail by this Court. Copies of the orders, whereby the aforesaid co-accused have been granted concession of interim bail by this Court, have been placed on record as Annexure P-8 (Colly.). This change in circumstance amounts to substantial change in circumstances, which makes the petitioner entitled to grant of bail. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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6. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

13.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No