

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.31917 of 2015

Date of Decision:-29.09.2015

Tarsem.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. P.K. Ganga, Advocate for the Petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana.

JASWANT SINGH, J.(ORAL)

Prayer is for grant of regular bail under Section 439 Cr.PC to the petitioner Tarsem in case FIR No.99 dated 01.04.2015 for offences punishable under Sections 22B/22/27A of the NDPS Act registered with Police Station City Mandi Dabwali, District Sirsa.

The name of the petitioner has surfaced in the investigations on the disclosure statement of co-accused Dalip Kumar, who stated that he had purchased the seized drugs/bottles for an amount of Rs.24,000/- from the present petitioner.

Learned Counsel for the petitioner submits that the offence under Section 27-A of the NDPS Act has been incorporated against the petitioner on the basis of the aforesaid disclosure of a co-accused made before the police, which is otherwise not legally admissible in evidence qua

the petitioner. Except the said disclosure statement, there is no evidence qua the involvement in any activity under the NDPS Act collected by the prosecution agency against him. It is further stated that no other case is pending against the petitioner, who is otherwise in custody since 02.04.2015.

Learned State Counsel on instructions from ASI Prem Kumar admits that the investigations are over and the challan has been presented.

Without commenting upon the merits of the case, keeping in view & the fact that conclusion of trial is likely to take sometime, no useful purpose is going to be served by keeping the petitioner behind the bars. As such the present petition is allowed and petitioner is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Sirsa.

(JASWANT SINGH)
JUDGE

September 29, 2015
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