

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

**CRM-M No.21170 of 2019 (O&M)
DATE OF DECISION : 30th OCTOBER, 2019**

Fateh Chand

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Deepak Sharma, Advocate for the petitioner.

Mr. M. D. Sharma, Assistant Advocate General, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

The present third petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.07 dated 05.01.2019 registered under Section 20/29-61-85 of NDPS Act at Police Station Sahabad, District Kurukshetra.

Learned counsel for the petitioner contends that the petitioner is not involved in the case. The petitioner has been sought to be involved in the case only on the basis of alleged disclosure statement of the co-accused from whom 300 grams of *charas* was recovered. Besides this, there is no material with the police to connect the petitioner with the crime in the present case. The petitioner is in custody since 05.01.2019. The prosecution evidence has already been started. Therefore, the petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

On the other hand, learned State Counsel, on instructions from ASI Jaswinder Singh, submits that the petitioner has been named by

his co-accused as supplier of the material. Still further it has come on record, in the statement of the petitioner, as well as in the statement of the co-accused that the petitioner had taken ₹12,000/- for supplying the material to the co-accused and that has been spent by the petitioner. Still further it is submitted that after the co-accused has named the petitioner as supplier, the police has arrested the petitioner. At the time of the arrest as well, the petitioner was found in possession of 200 grams of *charas*. Hence, the petitioner is habitual offender dealing in narcotic substances.

As reply to the above argument of the counsel for the State, learned counsel for the petitioner has submitted that in another case, referred to by State counsel, the petitioner has already been released on bail. It is further submitted that in the present case as well, the co-accused, from whom recovery was effected, has already been released on bail.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

30TH OCTOBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>