

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

**CRM-M No. 43008 of 2019
Date of Decision:-06.11.2019**

Rakesh Singla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Satish Garg, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Rakesh Singla has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 429 dated 28.11.2018, under Section 22(C) of NDPS Act, registered at Police Station Bhuna, District Fatehabad.

As per FIR, on 28.11.2018 when the police party reached near 'T' point of village Bosti on the bridge of a canal on Bhuna-Uklana road, a youth was seen coming from the side of Bhuna carrying a backpack (pitthu bag), who was going towards the canal and on noticing the police vehicle started moving briskly towards his right hand side. On the basis of

suspicion he was apprehended, who disclosed his name as Pardeep Sharma and on search of the backpack, in one of its pockets 750 strips of Tredol-100 (Tramadol), each strip contained 10/10 tablets totalling 7200 tablets were recovered. From the other pocket of the backpack, 420 strips of Alprazolam tablets IP 0.5 mg, totalling 4200 tablets were recovered.

Learned counsel for the petitioner contends that the petitioner was indicted on the statement of Manjit Singh on the ground that the alleged contraband, recovered from co-accused Pardeep Sharma was sold by the petitioner to him around 15-20 days back, for a sum of Rs.45,000/-. He submits that apart from this recovery, some other contraband was also recovered from his rented accommodation. He submits that the said statement may not be admissible. It is pointed out that co-accused Pardeep Sharma was released on bail on the ground that concession of interim bail was not misused by him. He submits that the petitioner remained on interim bail from 26.3.2019 to 26.9.2019 and the said concession was never misused. He prays that the petitioner be released on regular bail pending trial.

On the other hand, learned State counsel, who is assisted by SI Bhup Singh, has opposed the prayer on the ground that the petitioner is involved in the commission of offence. He submits that it is the petitioner, who had provided the alleged contraband to Manjit Singh, who further delivered to Pardeep Sharma, from whom it was recovered by the Police. He produced the confessional statement of accused -petitioner Rakesh Singla recorded on 30.11.2018.

At this stage, learned counsel for the petitioner submits that the said statement may not be admissible as it is nothing but a confession in respect of the recovery made from accused Pardeep Sharma. He submits that the case of the prosecution against the petitioner is apparently weak and his further detention may not be justified.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Fatehabad.

The petition is allowed.

November 06, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No