

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

**CRM-M No.46203 of 2019 (O&M)
Decided on: 13.12.2019**

Risal Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.K. Bishnoi, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.39356 of 2019

Heard.

Allowed as prayed for.

Document (Annexure P3) is taken on record subject to all
just exceptions.

CRM-M No.46203 of 2019

Prayer in this petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.352 dated 12.09.2019, registered under
Section 22(c) of the of the Narcotic Drugs and Psychotropic Substances
Act, 1985 (in short 'the NDPS Act') (Section 27-A of the NDPS Act
added later) at Police Station Sadar Fatehabad, District Fatehabad.

Counsel for the petitioner has argued that the petitioner
was not arrested at the spot and he was involved in the present case on
the basis of the disclosure statement of the co-accused Sant Ram from

whom the recovery was effected. Counsel for the petitioner has, thus, submitted that it will be a debatable issue to be decided during the course of trial as to whether the petitioner was either found in conscious possession of the contraband or the disclosure statement of the co-accused is admissible against the petitioner or not.

Counsel for the petitioner has also submitted that the petitioner is in custody since 13.09.2019; challan stands presented and the case, before the trial Court, is now fixed for framing of the charge.

Counsel for the State, on instructions from SI Kuldeep Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since 13.09.2019; challan stands presented; the investigation is complete; the case, before the trial Court, is fixed for framing of the charge and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

13.12.2019
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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