

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

265

CRM-M-51900-2019

Date of decision : 11.12.2019

Balkaran

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Himmat Singh Deol, Advocate for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.281 dated 08.09.2019 under Section 22(b) of the NDPS Act, registered at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner contends that no recovery has been effected from the petitioner and the petitioner has been arraigned as an accused on the statement of co-accused, namely, Gursewak Singh, from whom tramadol tablets with a total weight of 615 grams were recovered, who has stated that he had purchased the same from the petitioner and co-accused, namely, Balkaur Singh. There is no other *prima facie* evidence which would connect the petitioner with the commission of the offence. The petitioner is in custody for over three months and is not involved in any other case under the NDPS Act. He has relied upon the judgment in the case of **Surinder Kumar Khanna Vs. Intelligence Officer, Directorate of Revenue Intelligence** reported as **2018 (8) SCC 271**.

Learned State counsel, upon instructions from ASI Krishan Kumar, states that investigation has been completed and challan is being filed. He, however, is not in a position to controvert the submissions of learned counsel for the petitioner that besides the statement of co-accused, there is no other *prima facie* evidence against the petitioner at this stage.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner being in custody for over three months, he is not involved in any other case under the NDPS Act and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

December 11, 2019

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No