

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

201

CRM-M-15473-2020

Date of Decision: 27.07.2020.

Rajesh Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. D.N. Ganeriwala, Advocate for the petitioner.

Mr. Rajiv Goyal, Deputy Advocate General, Haryana.

Suvir Sehgal, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.127 dated 19.09.2019 under Section 22(c) of N.D.P.S., Act 1985, registered at Police Station Baraguda, District Sirsa.

Counsel for the petitioner has argued that three persons namely, Charat Singh, Hira Singh and Rajesh Kumar were riding a motorcycle when they were stopped by the police. Recovery of 10,400 tablets of *Tramadol* hydrochloride was recovered from Hira Singh, who was sitting in the middle and carrying a plastic bag in his hand. In disclosure statements Annexures P2 and P3, Hira Singh and Charat Singh have stated that they are dealing intoxicating tablets and Rajesh Kumar met them on the way and they had given him a lift on the motorcycle. Counsel further submits that the

certificates appended as Annexure P5 (Colly) to submit that the petitioner is a brilliant student and has been securing high marks in the Secondary, Senior Secondary as well as B.A., Ist Semester examinations.

State counsel on instructions from ASI Rajinder Kumar, has opposed the petition on the ground that the recovery is of commercial quantity and the petitioner is not entitled to grant of bail. He has filed custody certificate dated 25.07.2020, which shows that the petitioner is incarceration for the last 10 months and 07 days and there is no other case pending against him.

I have considered the rival submissions of the parties.

Keeping in view the fact that the petitioner is in custody for last 10 months and 07 days and the trial of the case will take some time, further detention of the petitioner will not serve any useful purpose. Without commenting anything on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing adequate bail bonds and surety bonds to the satisfaction of concerned learned trial Court.

It is clarified that any observation made hereinabove shall not be construed as an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

27.07.2020

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No