

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

**CRM-M-15950-2019 (O&M)
Date of Decision: May 22, 2020**

SHEKHAR CHANDER @ SHEKHAR

..... Petitioner(s)

Versus

STATE OF HARYANA

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

LISA GILL, J.

The matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No.750, dated 01.08.2018 under Section 22 of the NDPS Act, registered at Police Station City Sirsa, District Sirsa.

It is submitted that the petitioner is sought to be inculpated in this case only on the basis of the statement of the co-accused namely Parmod Kumar. The recovery of 150 tablets and 200 capsules of Tramadol (total weight 266.71 grams) was effected from Parmod Kumar, who has since been afforded the concession of bail. The petitioner, it is submitted, has been in custody since 25.01.2019. It is thus prayed that this petition be allowed.

Learned counsel for the State, on telephonic instructions from ASI Vijender Singh, P.S. City Sirsa, District Sirsa, is unable to point out any palpable evidence against the petitioner, apart from the statement of the co-accused. It is further informed that out of 17 prosecution witnesses, only 3 have been examined and the matter is pending. It is informed that the petitioner is involved in another matter under the NDPS Act though, he is admittedly on bail in the said case.

I have heard learned counsel for the parties.

It is not in dispute that in the present case, the petitioner is sought to be inculpated on the basis of the statement of co-accused. No recovery was affected from the petitioner as such, in this case. The petitioner has been in custody since 25.01.2019.

The trial in this case is likely to take some time for conclusion. No useful purpose shall be served by keeping the case incarcerated any longer. Thus, keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 22, 2020
Sunil

(LISA GILL)
JUDGE

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