

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

CRM-M-19605 of 2020

Date of Decision: 08.10.2020

Gulshan @ Kala @ Bhau

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Sanjay Mittal, Addl.AG, Haryana.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.87 dated 20.04.2019 under Section 22 (b) of NDPS Act registered at P.S Sadar Tohana, District Fatehabad.

As per allegations in the FIR on 20.04.2019, while ASI Harnek Singh along with other officials was present at bus stand Jamalpur Shekhan, the petitioner alighted from a private bus. On being seen by the police party, he turned back and started walking swiftly. He was apprehended on suspicion. He was found carrying one polythene of green color and another polythene of black color inside it. On checking the two polythenes 50 strips (500 tablets) of Tramadol make Clovidol-100 SR and 53 strips (530 tablets) of Tramadol Hydrochloride Tablets 100 mg TroNAX were found.

Learned counsel for the petitioner contends that false case has been foisted against the petitioner. Neither the number of the Bus from which the petitioner is alleged to have alighted has been mentioned nor any independent witness was associated at the time of recovery.

The petitioner is in custody since 20.04.2019. The investigation in the case is complete and challan has been filed. However the trial of the case has not made any progress because of the Covid-19 pandemic. There is no

other case against the petitioner. One case FIR No. 167 dated 05.05.2017 u/s 21 of the NDPS Act had been registered against him in which he has been acquitted. No useful purpose will be served by his continued detention during trial.

Without commenting anything on the merits of the case and also bearing in mind the custody period of the petitioner, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Gulshan @ Kala @ Bhau is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly

October 08, 2020
manoj

(Harinder Singh Sidhu)
Judge

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