

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

**CRM-M No. 24604 of 2020 (O&M)  
Date of decision: 16.12.2020.**

Safdar Ali @ Guddu

..... Petitioner.

Versus

State of Haryana

..... Respondent.

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. Rajesh Nain, Advocate, for the petitioner.

Mr. Arun Beniwal, DAG, Haryana, for the respondent-State.

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**ANUPINDER SINGH GREWAL, J. (ORAL)**

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No. 611 dated 08.11.2018, under Section 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' - for short) (Section 27A of the NDPS Act added later on), registered at Police Station Hansi City, District Hansi.

Learned counsel for the petitioner contends that the petitioner is neither named in the FIR nor any recovery was effected from him. He has been arraigned as an accused on the statement of co-accused, namely, Sachin @ Shishan from whom 2 kilogram smack was effected. He also contends that after the arrest of the petitioner no recovery was effected from him. He also contends that although the petitioner is involved in another case under the NDPS Act, but no recovery was effected from him and he was arraigned as an accused in that case on the statement of co-accused. He further contends

that the petitioner is in custody for over two years.

Learned State counsel, upon instructions from ASI Jagbir Singh, contends that six out of the fifteen witnesses have been examined by the prosecution. He also contends that co-accused, namely, Sachin @ Shishan had disclosed that he had purchased the smack from the petitioner. He, however, is not in a position to controvert the averment that no recovery was effected from the petitioner even after his arrest in the instant case.

In view of the submissions of learned counsel for the petitioner, especially when no recovery was effected from the petitioner, he has been arraigned as an accused on the statement of co-accused, namely, Sachin @ Shishan, the Covid-19 pandemic 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 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.

Pending application, if any, shall stand disposed of.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**16.12.2020**  
Ramesh

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