

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

**(Proceedings conducted through video conferencing on account of
Covid-19 Pandemic)**

208

**CRM-M NO. 25324 of 2020
Date of decision : 04.09.2020**

Harshdeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana
for respondent-State.

VIVEK PURI, J. (ORAL)

Briefly the FIR No. 291 dated 12.06.2020 under Section 21 of the NDPS Act, 1985 has been registered at Police Station Shahabad in pursuance of the recovery of 7.8 grams of smack from the possession of co-accused namely Nikhil.

It has been stated by the learned counsel for the petitioner that he has been nominated as an accused on the basis of the disclosure statement of co-accused Nikhil but nothing has been recovered from him. The arrest of the petitioner was effected on 12.06.2020. The investigation of the case is complete and challan has already been presented in the Court. Nikhil co-accused from whom the recovery has been effected has already been granted bail by this Court.

Learned State counsel, on instructions from ASI Vinod Kumar, has not disputed the factual aspect but has argued that there are three more cases pending against the petitioner. One case is under NDPS Act, second case is under 379-B IPC and third case is under Section 25 of the Arms Act. However, the petitioner is on bail in all the said three cases.

May it be so, it remains the fact that in the instant case, the petitioner has been nominated on the basis of the statement of the co-accused and nothing has been recovered from him. Moreover the contraband recovered from the co-accused is marginally above the small quantity and in such circumstances the stringent provisions of Section 37 of the NDPS Act do not come into play.

Considering the above and the fact that conclusion of trial is likely to consume some time, further detention of the petitioner may not be justified. As such, without making any expression on the merits of the case it is ordered that petitioner be released on regular bail, subject to his furnishing requisite bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court.

04.09.2020

Rajeev (rvs)

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No