

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

209

**CRM-M-26989-2020
Decided on : 04.11.2020**

Charanjeet @ Charanjit @ Charna

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Aditya Sanghi, Advocate, for the petitioner.

Mr.Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition, filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in FIR No.250 dated 10.10.2019 under Sections 22 (c), 22(b) of NDPS Act, 1985 registered at Police Station Kalanwali, District Sirsa.

Counsel for the petitioner submits that the petitioner has been nominated on account of the statement of one co-accused, Swaran Singh who was apprehended at the spot with 600 tablets of Tramadol Hydrochloride. He disclosed that he had purchased the contraband from the petitioner.

It is submitted that the petitioner is in custody since 03.02.2020 and the investigation is complete since challan has been submitted on 12.02.2020. The trial is likely to take considerable time. It is submitted that the bail has wrongly been declined by the Addl.Sessions Judge, Sirsa on account of the fact that another FIR No.3 dated 03.01.2017 is pending against the petitioner and since the recovery is of commercial quantity.

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In the reply filed by the Assistant Superintendent of Police, Kalanwali, Sirsa, it is averred that the case is now fixed for 18.11.2020 for framing of charge. Thus, the witnesses would have to be examined thereafter. The details of 9 other cases in which the petitioner's name has also been mentioned, a perusal of the same would go on to show that the petitioner has been convicted in only 2 of the cases and has been acquitted in other cases or is on bail.

Accordingly, keeping in view the fact that the evidentiary value of the co-accused's statement is to be examined by the Trial Court and the fact that the petitioner is in custody for over 9 months and that the trial is likely to take considerable time in view of the COVID-2019 pandemic, no useful purpose would be served by keeping the petitioner in custody. Resultantly, in view of the above discussion, the present petition is allowed and the petitioner shall be released on regular bail, to the satisfaction of the Illaqa/Duty Magistrate, Sirsa.

NOVEMBER 4, 2020
sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No