

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

CRM-M-27234-2020 (O&M)

Date of Decision : December 22, 2020

Bhagwana Ram @ Chhotu	Versus	Petitioner
State of Haryana		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. B.S. Dhankhar, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.148 dated 27.06.2020 under Sections 22-C/61/85 of the NDPS Act, registered at Police Station Kalanwali, District Sirsa.

Counsel for the petitioner submits that the FIR, has been registered against the co-accused Deepak @ Deepu by the police party on suspicion and recovery of 12000 intoxicant tablets were recovered. Later on, during the investigation the petitioner was nominated as an accused on the basis of the disclosure statement of Deepak @ Deepu. It is further submitted that the petitioner was arrested on 30.06.2020 however, no intoxicant substance was recovered from the petitioner. It is also submitted that even as per the disclosure statement, the co-accused has stated that he used to give some petty amount to the petitioner. Lastly, it is argued that the petitioner is the first offender and is no involved in any other case.

Learned State counsel has filed the affidavit of the Deputy Superintendent of Police, Dabwali, District Sirsa and has not disputed the factual position but opposed the prayer for bail. It is further submitted that there are 17 prosecution witnesses and none has been examined so far as the charges are yet to be framed.

Without commenting anything on the merits of the case, considering the aforesaid submission made by counsel for the petitioner and also in view of the fact that the petitioner is the first offender; he is in custody since 30.06.2020; he is not involved in any other case and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

December 22, 2020
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Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO