

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-29812-2020

Date of Decision: November 2, 2020

DOLTA RAM

..... Petitioner(s)

**Versus**

STATE OF HARYANA

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Narender Kaajla, Advocate  
for the petitioner.

Mr. Gagandeep Singh Chhina, Asstt. AG, Haryana.

\*\*\*\*

**LISA GILL, J.**

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for grant of bail pending trial in FIR No.409, dated 24.12.2019 under Sections 15/29/61/85 of the NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

As per allegations in the FIR, 40 kilograms poppy straw/husk was recovered from the co-accused Sanjay Kumar, whose car was apprehended by the police authorities on the basis of suspicion. The

petitioner, it is submitted, is sought to be implicated on the basis of a disclosure statement of the co-accused Sanjay Kumar to the effect that he had purchased the recovered contraband from the present petitioner.

Learned counsel for the petitioner argues that the petitioner is sought to be falsely implicated in this matter merely on the basis of disclosure statement of the co-accused, which in any case, lacks any evidentiary value. It is further submitted that the co-accused Sanjay Kumar has admittedly revealed the alleged contraband to be purchased from one Surja Saharan, resident of village Billuwas Rampura, District Churu, Rajasthan, at the initial stage. Subsequently, he changed his stand and stated that the alleged contraband was purchased by him from the present petitioner. It is further contended that the alleged contraband recovered from the co-accused is 40 kilograms poppy straw, i.e. less than the commercial quantity. The co-accused Sanjay Kumar, it is submitted, has already been granted the concession of bail pending trial. The petitioner further undertakes to face trial and not abuse the concession of bail, if afforded to him. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State submits that apart from the disclosure statement, certain call detail records have been collected, which connect the petitioner to the offence in question. The petitioner, it is submitted, is also involved in two other cases under the NDPS Act, registered in the State of Rajasthan. However, it is not denied by learned counsel for the State that the contraband recovered is less than the commercial quantity and the alleged contraband, in fact, was recovered from

the co-accused Sanjay, who has been afforded the concession of bail pending trial. It is also a matter of record that at the outset, co-accused Sanjay had named one Surja and subsequently changed his statement to name the present petitioner. Final report under Section 173 Cr.P.C./challan stands presented. The petitioner is informed to be on bail in FIR No. 134/2018, under Section 15 of the NDPS Act, registered at Police Station Bhanipura, District Churu (Rajasthan) and his bail application in FIR No. 184/2019, under Section 15 of the NDPS Act, Police Station Talwara, District Hanumangarh (Rajasthan), is stated to be pending. Quantity of the contraband allegedly recovered from the co-accused is less than commercial quantity.

Due to the situation created by outbreak of the pandemic COVID-19, trial in this case is not likely to be concluded in the near future. There is no allegation that the petitioner is likely to abscond or not be available for trial. No useful purpose would be served by keeping the petitioners incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate. In case, the petitioner is subsequently found involved in any other case under the NDPS Act, State is at liberty to file appropriate application for cancellation of bail in this case.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

02.11.2020  
Sunil

(LISA GILL)  
JUDGE

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