

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

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**CRM-M-34972-2020
Date of Decision:26.11.2020**

RAHUL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CRM-M-36297-2020

MANDEEP

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. D.P.S. Bajwa, Advocate for the petitioner
in CRM-M-34972-2020.

Mr. R.S. Mamli, Advocate for the petitioner
in CRM-M-36297-2020.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due
to Covid-19 pandemic.

Instant petition has been filed under Section 439 of Cr.P.C. for
grant of regular bail to the petitioner in case FIR No.452, dated 24.08.2020

registered under Sections 21/27-A/29 of the NDPS Act, 1985, at Police Station Pehowa, District Kurukshetra, Annexure P-1.

Counsels for the petitioners have argued that no recovery has been effected from the petitioners and they do not have any criminal past. Co-accused Manish was apprehended by the police from whom 34 grams of smack (*chitta*) was recovered and both the petitioners were apprehended on the basis of disclosure statement of the said co-accused. It has been argued that the disclosure statement of the co-accused is inadmissible in evidence. Reliance has been placed upon order dated 15.10.2020 passed by the learned Additional Sessions Judge, Kurukshetra, whereby co-accused Manish has been granted the benefit of regular bail after taking into consideration the fact that the recovery effected from him was of an intermediate quantity. Counsels urge that the petitioners are in incarceration since 25.08.2020, the investigation is complete, the challan has been filed and the trial is not progressing due to outbreak of Coronavirus, therefore, they deserve to be released on bail.

Per contra, State counsel upon instructions from ASI Rajesh Kumar, submits that as the petitioners have been named as the financiers and suppliers of the contraband and they do not deserve the concession of regular bail. Upon instructions, he submits that the FSL report has been received and the challan was filed on 07.10.2020.

I have considered the rival submissions of the counsel for the parties.

Keeping in view the facts and circumstances, the nature of allegations, the gravity of offence, the order dated 15.10.2020 passed by the learned Additional Sessions Judge, whereby the main accused has been

granted the benefit of regular bail and the fact that the trial is likely to take time to conclude because of the spread of the contagion, no useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

26.11.2020
Sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No