

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M No.35933 of 2020

Date of Decision: November 11, 2020

Rajwinder Singh @ Kala

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR JUSTICE VIVEK PURI

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

VIVEK PURI, J. (Oral)

Case has been taken up through video conferencing in view of the outbreak of Pandemic COVID-19.

2. Petitioner-Rajwinder Singh @ Kala has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.191 dated 13.08.2020, under Sections 22-C and 27-A of NDPS Act, 1985, registered at Police Station Rattia, District Fatehabad.

3. Briefly, the FIR has been lodged in pursuance of the recovery of 500 Tablets of ***Tramadol Hydrochloride*** being carried by the co-accused Malkiat Singh @ Kinty and Babbu Ram @ Sattu while they were travelling on a motor-cycle.

4. It has been contended by learned counsel for the petitioner that he has been nominated on the basis of disclosure statement of the co-accused; arrested on 19.09.2020; no recovery has been effected from the petitioner;

the investigation in the case is complete, challan has already been presented in the Court; conclusion of trial is likely to take some time in view of prevailing Covid-19 Pandemic and the petitioner is not involved in any other case.

5. On the contrary, learned State counsel has not assailed the factual aspects of the matter and has stated that the quantity of contraband recovered, in the instance case, falls under the commercial quantity.

6. Be that as it may, it remains fact that the petitioner was not apprehended at the spot, no recovery has been effected from him and he has been nominated on the basis of disclosure statement of the co-accused. There is no other incriminating evidence against the petitioner and conclusion of trial is likely to take more time. As such ends of justice will meet, if the petitioner is released on regular bail.

7. Therefore, without making any expression of opinion on the merits of the case, the petition stands allowed and it is ordered that the petitioner be released on bail subject to his furnishing requisite bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(VIVEK PURI)
JUDGE

November 11, 2020
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Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No