

229

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

CRM-M No. 36931 of 2020
Date of Decision: 17.11.2020

Subhash Chand @ Bassi

-Petitioner

Vs

The State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanpreet Sandhu, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.370 dated 19.09.2020 under Sections 22 and 29 of NDPS Act registered at Police Station Farakpur, District Yamuna Nagar.

FIR was registered against the petitioner on the basis of secret information.

Petitioner was arrested along with 288 capsules i.e. 12 strips of Simplex C+ each containing 24 capsules.

In pursuance of offer given to the petitioner, one Satender Pal, Veterinary Surgeon, Animal Husbandary Department was summoned as Gazetted Officer.

Disclosure statement of the petitioner was also recorded to the effect that he had purchased the contraband from one Anil Kumar co-accused.

Weight of 28 capsules was found to be 200.44 grams. The contraband is found to have contained Tramadol 50 mg. Quantity upto 250 grams is non-commercial in nature.

Co-accused Anil Kumar has been granted regular bail by this Court in CRM-M No.33026 of 2020 vide order dated 27.10.2020.

The relevant observation made by this Court in the aforesaid order is to the following effect:-

“As per the reply filed by the State before the court of Sessions, total weight of 288 capsules was found to be 200.44 grams. SIMPLEX C+ contains Tramadol 50 mg. Quantity upto 250 grams is non-commercial in nature. This fact has been tabulated in the reply filed by the State on 06.10.2020 before the Court of Sessions.”

The aforesaid factual position could not be disputed by learned State counsel.

Evidently, challan has been presented, but charges have not been framed so far.

In view of aforesaid position, complicity of the petitioner would remain debatable.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

17.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No