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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.37177 of 2020 (O&M)
Decided on: 18.11.2020

Harnam @ Harbans Singh @ Harman Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.203 dated 25.08.2020, for offence punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station City Ratia, District Fatehabad.

Counsel for the petitioner has argued that as per the prosecution version, the co-accused Bittu @ Baba and Sandeep were apprehended and recovery of 2500 tablets of NRX Tramadol Hydrochloride and 2500 tablets of NRX-Tramadol Hydrochloride from another polythene bag, were effected from them. During the investigation, both the accused named one another co-accused namely Amarjit Singh to be the supplier of the contraband to them. After the

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arrest of Amarjit Singh, his disclosure statement was recorded and he has named the present petitioner as one of the accused. It is further submitted that after the arrest of the petitioner, no further recovery was effected from him. It is also stated that the petitioner is nominated in the case on the basis of the second disclosure statement of co-accused Amarjit Singh, who was arrested as per the disclosure statement of the main accused from whom the recovery was effected.

Counsel for the State has not disputed the factual position however submits that the bail application of Amarjit Singh already stands dismissed by this Court as there were specific allegations against him. However, this fact is also not disputed by counsel for the State that the petitioner was nominated as an accused on the basis of the disclosure statement of the aforesaid Amarjit Singh.

Counsel for the State, on instructions from the Investigating Officer, has also submitted that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner was nominated on the basis of the disclosure statement of another co-accused Amarjit Singh, who was nominated in the case by the main accused; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

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However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

18.11.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No