

**218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-38218-2020
Decided on : 08.12.2020

Dr. Harjit Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.19, dated 17.01.2020 (Annexure P-1), under Section 22 of the Narcotic Drugs and Substances Act, 1985, registered at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question only on the basis of alleged disclosure statement made by co-accused Rohit Jain before the police, from whom alleged recovery of 4000 intoxicant tablets (commercial quantity) was effected. Learned counsel further contends that on the very next day of the registration of the FIR in question, the petitioner had been falsely implicated in another FIR No.22, dated 18.01.2020, under Section 22 of the NDPS Act, 1985, registered at Police Station City Mandi Dabwali, District Sirsa and in that FIR too, he had been nominated as an accused on the basis of alleged disclosure statement made by the co-accused before the same Investigating Officer. Learned counsel has drawn the attention of this Court to the order dated 30.10.2020 (Annexure P-3), passed by a coordinate Bench of this Court, vide which the petitioner was extended

the concession of regular bail in case FIR No. 22, dated 18.01.2020. On a pointed query put to learned counsel as to what is the change in the circumstances pursuant to the earlier petition having been dismissed as withdrawn, this Court has been apprised that subsequently, challan has been filed in the instant case.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has submitted that the charges are likely to be framed in the near future. However, he has not been able to contradict the fact that the name of the petitioner was arrayed as an accused only on the basis of alleged disclosure statement made by co-accused Rohit Jain. Learned State counsel on instructions from SI Naresh Kumar has conceded that no recovery of any contraband was effected from the conscious possession of the petitioner.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 24.02.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

08.12.2020
sonia

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No