

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214

CRM-M-40026-2020 (O&M)

DATE OF DECISION: 07.12.2020

BALWAN

... Petitioner (s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.0145 dated 26.09.2020, under Section 22 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') (Section 29 of the NDPS Act added subsequently), registered at Police Station Jakhal, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein it is alleged that from co-accused Tek Singh and Ajaib Singh 2600 tablets containing Tramadol Hydrochloride were recovered. He further contends that the co-accused Tek Singh and Ajaib Singh are alleged to have stated that they had purchased the same from the petitioner. He, however, contends that after arrest of the petitioner, no recovery has been effected from him. The petitioner is in custody for over

2 months. He also contends that the petitioner is not involved in any other case under the NDPS Act.

Learned State counsel, upon instructions from Inspector Vinod Kumar, contends that the petitioner was arraigned as an accused on the statement of the co-accused and the matter is under investigation.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when no recovery has been effected from the petitioner, he has been arraigned as an accused on the statement of the co-accused, he is in custody for over two months, he is not involved in any other case under the NDPS Act, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

07.12.2020.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No