

[216]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-312 of 2021

Date of decision: 04.03.2021

Sawaran Singh

.... Petitioner

Versus

State of Haryana

..... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia.

Present: Ms. Shaveta Sanghi, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Section 439 Cr. P.C is for grant of regular bail pending trial in case FIR No.66 dated 25.04.2020 registered under Section 22 (c) NDPS Act and Section 188 IPC at Police Station Odhan, District Sirsa.

[3] Learned counsel for the petitioner contends that the petitioner was implicated in the instant case pursuant to arrest of co-accused Gora Singh along with 1970 intoxicants prohibited *Tramadol Hydrochloride Tablets* batch No.TVD-19612 solely on disclosure statement of the co accused of his having purchased recovered contraband from the petitioner. Learned counsel contends that the petitioner has been in custody since 21.11.2020, nothing has been recovered from him, besides, investigation in the case is complete, therefore, no useful purposes would be served by keeping the petitioner in custody especially in the circumstances prevailing

[4] Learned State counsel on the other hand contends that there are three other cases registered against the petitioner (i.e. two under the NDPS Act and one under Section 306 IPC), therefore, he is not entitled to be released on bail.

[5] Learned counsel for the petitioner relies upon the decision of Hon'ble the Supreme Court in ***Prabhakar Tewari v. State of UP and another, 2020 (1) RCR (Crl.) 831*** to contend that the offence alleged to have been committed is no doubt grave and serious and there are several criminal cases pending against the accused but these factors by themselves cannot be the basis for refusal of prayer for bail since mere disclosure statement in the absence of other material is no ground to deny bail to the petitioner in view of the decision of Hon'ble the Supreme Court in '***HaricharanKurmiversusState of Bihar***', 1964 AIR (SC) 1184.

[6] Accordingly, taking into account all aspects of the matter, especially that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of the offence and that investigation is complete, no recovery is to be effected from the petitioner as also in view of the circumstances prevailing due to Corona virus pandemic the present petition is ***allowed***. Petitioner-Sawaran Singh is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated

hereinabove would be taken to be an expression of opinion qua the merits of the case. It is also made clear that in case the petitioner is involved in any other case under the NDPS Act while he is on bail in the instant case, the prosecution would be at liberty to seek cancellation of bail granted to the petitioner.

(B.S. Walia)
Judge

04.03.2021
'Rajneesh/Amit'

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