

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-633-2021****Date of decision-12.01.2021****Deepak****....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ****Present:** Mr. Ajay Singh Ghangas, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

*********MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0282 dated 12.08.2020 registered under Sections 20, 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27-A NDPS Act added later on) at Police Station Chand Hut, District Palwal. The petitioner is in custody since his arrest on 30.08.2020.

As per the prosecution, on 12.08.2020, a secret information was received that Sri Pal, Vijay Pal and Parvesh, all residents of districts Shamli UP, are engaged in selling of narcotics substance and they all will bring huge quantity of Ganja Patti in a Mehendra Tractor Marka 575-01 colour Red and would be coming from Palwal side via Kundli and thereafter, will go to Kairana Distt. Shamli UP. Acting upon the same information, nakabandi was done and above mentioned persons were apprehend. Tractor was driven by accused Vijay Pal. Upon search 62 packets containing Ganja Patti (weighing 331.3 k.g.) were recovered from the under cabin of the tractor trolly.

Learned counsel for the petitioner contends that the alleged recovery of 331 k.g ganja patti was effected from the tractor trolley and three accused persons, namely, Sripal, Vijaypal and Parvesh were arrested on the spot. He submits that thereafter, multiple disclosure statements of accused were recorded and petitioner was arraigned as an accused on the basis of the fourth statement made by co-accused Sripal. According to him, neither any recovery has been made from the petitioner nor he is involved in any other case of similar nature, therefore, his further custody is not necessary as the investigation of the case is complete. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Munim Singh has opposed the prayer on the ground that the sum of Rs.6,00,000/- has been transferred from the account of the petitioner to the account of the accused-Sripal. He further submits that the recovery was effected from the above mentioned three accused persons. However, it is not disputed by learned State counsel that the petitioner is not involved in any other case.

At this stage, learned counsel for the petitioner has argued that mere transfer of money in the account of the co-accused alone may not be sufficient to establish his involvement in the alleged crime as according to him the petitioner is engaged in the business of finance. He submits that there is no likelihood of his absconding and the petitioner would stand the trial.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete as the final report stands filed on 28.11.2020, however, charges are yet to be framed. This Court is

cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 30.08.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

12.01.2021

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No