

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

CRM-M-885-2021

Decided on : 13.01.2021

GURSAMBER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Parminder Singh Sekhon , Advocate
for the petitioner.

Mr. Rajiv Goel, DAG Haryana
assisted by ASI Dilbag Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 105, dated 18.10.2020, under Sections 22, 27-A and 29 of the NDPS Act, 1985, registered at Police Station Rori, District Sirsa.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand on the basis of an alleged disclosure statement made by co-accused Darshan Singh from whose possession 380 intoxicant tablets were recovered. It has been submitted that pursuant to the disclosure statement, no recovery of any contraband or narcotic substance was effected from the petitioner nor is there any criminal case, much less, under the NDPS Act registered against the petitioner. The learned counsel submits that the petitioner has been in custody since 19.10.2020 and there is no likelihood of the trial concluding any time in the near future, hence, he may be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and

submissions made by learned counsel for the petitioner has not been able to controvert the factum of the petitioner having been arraigned on the basis of disclosure statement of co-accused Darshan Singh. Learned State counsel on instructions from ASI Dilbag Singh has admitted that the petitioner is not involved in any other case under the NDPS Act.

Heard.

In view of the submissions made by learned counsel for the parties and in the facts and circumstances of the case, when admittedly the petitioner has been arraigned as an accused on the basis of disclosure statement, the evidentiary value of which is of a weak nature, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 13, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*