

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

116

CRM-M-1333-2021.

Date of Decision: 25.10.2021.

Tara Chand

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Keshav Pratap Singh, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

This petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Tara Chand** in case FIR No.324 dated 09.11.2020 under Section 20(c) of NDPS Act, registered at Police Station Safidon, District Jind.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted and there is no iota of truth therein. He further submits that allegedly recovery of contraband (14600 tablets of *Tramadol* weighing 5 Kilograms-321 grams 'commercial quantity') was effected from co-accused Sahab Singh @ Saba. He further submits that petitioner was not named in the FIR and as a matter of fact name of petitioner surfaced in the array of accused on the basis of disclosure statement rendered by co-accused Sahab Singh @ Saba. He further submits that as a matter of fact petitioner is dealing in the business of *Kiryana* under the name and style of '*Shri Khatu Shyam Kiryana Store*'. He further urges that co-accused Sahab Singh @ Saba used to purchase *Kiryana* items from

petitioner and as such some calls were exchanged between them, whereas petitioner has no nexus whatsoever with the alleged contraband. He further submits that since alleged recovery of contraband (commercial quantity) was effected from conscious possession of co-accused Sahab Singh @ Saba, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further submits that petitioner is languishing in custody since 19.12.2020 and he is no more required by the Investigating Agency for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 19.12.2020; that petitioner is no more required by the Investigating Agency for investigation purpose as after completion of investigation final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the

concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Tara Chand** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Jind, as the case may be.

(LALIT BATRA)
JUDGE

25.10.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No