

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-1523-2021
Decided on : 19.01.2021

Sombir Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.134 dated 08.06.2020 registered under Sections 22(b)/22(c) of NDPS Act,1985 at Police Station Kalanwali District Sirsa.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand on the basis of alleged disclosure statement made by co-accused Hardeep and Kuldeep from whom the alleged contraband (3000 tablets of Tramadol) was effected. Learned counsel further contends that it was a case of chance recovery and during the interrogation of aforementioned two accused, they allegedly disclosed to the police that they had procured the recovered contraband from the petitioner. It has been submitted that the disclosure statement so made by the co-accused on the basis of which the petitioner has been arrayed as an accused, has weak evidentiary value. He further submits that the petitioner, who has been in custody since 29.11.2020, is not involved in

any criminal case much less NDPS Act. Hence, it has been prayed that the petitioner be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from ASI Malkit Singh submits that challan has been presented and charges are likely to be framed in the near future. Learned State counsel has not been able to controvert the factum of petitioner not being involved in any other criminal case much less under the NDPS Act.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 29.11.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

19.01.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No