

213

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

CRM-M-2230-2021

Date of decision-05.02.2021

Harpal Singh @ Bhola (Bala)

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Choudhary, 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.196 dated 15.08.2020 registered under Section 22 (c) Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27-A NDPS Act added later on) at Police Station Sadar Ratia, District Fatehabad. The petitioner is in custody since his arrest on 15.08.2020.

According to the prosecution, when the Police party was present at Chimo-Kalandargarh road for patrolling and crime checking, a person was seen coming from the side of Kalandargarh carrying a polythene bag in his right hand, who on seeing the police turned back and started walking briskly. Upon suspicion, the said person was apprehended and after completion of formalities, 720 tablets of Tramadol Hydrochloride were recovered from a

polythene held by him in his right hand.

Learned counsel for the petitioner contends that after arrest of the petitioner, the investigation in the case is complete as the final report was filed on 07.10.2020. He submits that the prosecution is yet to examine its witnesses and trial is likely to consume considerable time. He has drawn the attention of the Court to the medical prescription of his wife, namely, Palvinder Kaur and submits that she has been admitted in the hospital for delivery and the expected date is 07.02.2021. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Om Parkash has opposed the prayer and submits that previously application filed by the petitioner for grant of regular bail was withdrawn on 28.10.2020. He further submits that the recovered contraband would fall within the ambit of commercial quantity. However, it is not disputed by learned State counsel that no prosecution witness has been examined till date. He further on instructions states that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner as well as the condition of his wife, this Court is of the opinion that the petitioner has made out a case for his release on bail, particularly when he is not involved in any other case of similar nature. Admittedly, the petitioner is presently confined in judicial custody since 15.08.2020 and his further detention may not be necessary for any useful purpose.

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.

05.02.2021

vanita

(MANOJ BAJAJ)
JUDGE

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