

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

**CRM-M-4601-2020
Date of Decision : 09.02.2021**

Daljeet @ Sonu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.203 dated 25.08.2020 under Sections 22(c), 27-A and 31 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Ratia, District Fatehabad, Haryana.

Learned counsel for the petitioner relies upon order dated 18.11.2020 passed in CRM-M-37177 of 2020 (O&M), vide which co-accused Harnam @ Harbans Singh @ Harnam Singh was granted consession of regular bail by this Court. The operative part of the order reads as under:-

“Counsel for the petitioner has argued that as per the prosecution version, the co-accused Bittu @ Baba and Sandeep were apprehended and recovery of 2500 tablets of NRX Tramadol Hydrochloride and 2500 tablets of NRX-Tramadol Hydrochloride from another polythene bag, were effected from them. During the investigation, both the accused named one another co-accused namely Amarjit Singh to be the supplier of the

contraband to them. After the arrest of Amarjit Singh, his disclosure statement was recorded and he has named the present petitioner as one of the accused. It is further submitted that after the arrest of the petitioner, no further recovery was effected from him. It is also stated that the petitioner is nominated in the case on the basis of the second disclosure statement of co-accused Amarjit Singh, who was arrested as per the disclosure statement of the main accused from whom the recovery was effected.

Counsel for the State has not disputed the factual position however submits that the bail application of Amarjit Singh already stands dismissed by this Court as there were specific allegations against him. However, this fact is also not disputed by counsel for the State that the petitioner was nominated as an accused on the basis of the disclosure statement of the aforesaid Amarjit Singh.

Counsel for the State, on instructions from the Investigating Officer, has also submitted that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner was nominated on the basis of the disclosure statement of another co-accused Amarjit Singh, who was nominated in the case by the main accused; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on

bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.”

Learned counsel for the petitioner further submits that as per the version of the police, two **co-accused** Bittu Singh @ Baba and Sandeep were arrested and the recovery of intoxicant tablets were effected. On their disclosure, co-accused Amarjeet was nominated and thereafter, on the disclosure of **Amarjeet Singh** aforesaid Harnam @ Harbans Singh @ Harnam Singh was nominated and on further disclosure of Harnam @ Harbans Singh @ Harnam Singh, petitioner was nominated as the supplier of the intoxicant tablets.

Learned State Counsel on instructions from ASI, Harpal Singh states that petitione is not involved in any other case and did not dispute that the petitioner is nominated on the disclosure of the other accused.

Without commenting anything on merits of the case, considering the fact that the petitioner was nominated on the basis of the disclosure statement of another co-accused Amarjit Singh, who was nominated in the case by the main accused; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

09.02.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No