

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

Sr. No.222

CRM-M-5088-2021

Date of decision: 25.03.2021

Harmel @ Helli

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.110 dated 18.03.2020 registered under Section 22-B of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Mandi Dabwali, District Sirsa.

Briefly stated, the case of the prosecution is that co-accused Charanjit Kaur @ Rani was apprehended with 1000 tablets containing Tramadol Hydrochloride. On questioning by the police, she disclosed that the recovered narcotics had been supplied to her by the petitioner and on that basis the petitioner was nominated as an accused.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the petitioner has been in custody since 30.10.2020; there is no other criminal case in which the petitioner is involved; report under Section 173 Cr.P.C. has already been filed and therefore, neither the petitioner is needed for investigation purposes nor is he in a position to influence the investigation; neither any recovery of narcotics was made from the petitioner nor in the future any such recoveries are to be made from him; the only evidence against the petitioner is the disclosure statement of a co-accused allegedly made by her in police custody which is not admissible in evidence under Section 25 of the Indian Evidence Act, 1872 and that the petitioner's trial which is

yet to begin is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that co-accused Charanjit Kaur @ Rani was found in illegal possession of 1000 tablets of Tramadol Hydrochloride which were supplied by the petitioner and if he is released on bail he may indulge in similar offences.

After considering the above submissions especially the fact that the petitioner has been in custody since 30.10.2020; there is no other criminal case in which the petitioner is involved; report under Section 173 Cr.P.C. has already been filed and therefore, neither the petitioner is needed for investigation purposes nor is he in a position to influence the investigation and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sirsa, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

March 25, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No