

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

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CRM-M-7860-2021

Decided on : 24.02.2021

Sukhwinder Singh @ Kulla

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. S.S. Brar, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Ishwer Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 364, dated 01.12.2019, under Section 22 of the NDPS Act, 1985, registered at Police Station Dabwali Sadar, District Sirsa, Haryana.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the instant case on the basis of an alleged disclosure statement made by co-accused Pritam Singh before the police, who too was named in the disclosure statement allegedly made by main accused Pardaman Singh @ Daman. It has been submitted that it was co-accused Pardaman Singh @ Daman, who was apprehended at the spot and recovery of 390 tablets of Tramadol was effected from him. Learned counsel submits that no recovery was effected from the petitioner subsequent to the alleged disclosure statement. It has also been submitted that similarly situated co-accused Pritam Singh, on the basis of whose disclosure statement, the petitioner was allegedly nominated as an accused, has been extended the

concession of bail vide order dated 02nd July, 2020 (Annexure P-3), of this Court. It has therefore been submitted that the petitioner too be extended the concession of regular bail, as the evidence on the basis of which he is being sought to be implicated in the case in hand has very weak evidentiary value.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. He has, however, not been able to controvert the factum of the petitioner having been nominated as an accused on the basis of the disclosure statement of co-accused Pritam Singh. Learned State counsel has, however, submitted that there are two more FIRs registered against the petitioner, including one under the NDPS Act.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 03rd November, 2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of 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

February 24, 2021

J.Ram

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