

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

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**CRM-10093-2021 in
CRM-M-11855-2021.
Date of Decision: 06.04.2021.**

Dhirender Singh Rathaur

....Applicant/Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Ms. Manpreet Ghuman, Advocate for applicant/petitioner.

Mr. Mehardeep Singh, Addl. Advocate General, Punjab.

Lalit Batra, J.(Oral)

CRM-10093-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is now fixed for 20.05.2021.

Notice of the application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and the main petition is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Dhirender Singh Rathaur** in case FIR No.98 dated 13.07.2020 under Sections 22 and 25 of NDPS Act {Sections 22(c) and 29 of NDPS Act added lateron}, registered at Police Station Tappa Mandi, District Barnala.

Learned counsel for petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that allegedly 2300 tablets of Clovidol-100 SR (*Tramadol* Hydrochloride) were recovered from co-accused namely Jagga Singh and Shinder Kaur. He further urges that petitioner was not named in the FIR and as a matter of fact petitioner has been roped in as accused merely on the disclosure statement of co-accused Kala Singh on the allegations that contraband so recovered was taken by him from the petitioner. He further urges that nothing incriminating was recovered at the instance of petitioner. He further urges that no other case except instant one is registered against the petitioner. He further submits that since alleged recovery of contraband was effected from the conscious possession of co-accused namely Jagga Singh and Shinder Kaur, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further urges that petitioner is in custody since 26.09.2020 and he is no more required by the Police for any investigation purpose. He further submits that *Challan* has been presented in Court and trial has already commenced. He further urges that since trial of the case would take

the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel filed custody certificate, which is taken on record, and while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 26.09.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **Dhirender Singh Rathaur** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Barnala, as the case may be.

(LALIT BATRA)
JUDGE

06.04.2021

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