

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

110

**CRM-M-14529-2021
Date of Decision : 16.08.2021**

Bhiv Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.9 dated 06.01.2021 registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') in Police Station Sadar Dabwali, District Sirsa.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Sh. Kuldeep Singh Beniwal, HPS, Deputy Superintendent of Police, Dabwali in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. Recovery of 1900 intoxicant tablets was allegedly made from co-accused Kuldeep Singh and Kubir Singh on 06.01.2021 by the police party headed by ASI Rajbir Singh. During investigation both the co-accused have made statements alleging that they purchased the recovered contraband from the petitioner. There is no evidence to substantiate the disclosure

statements of the co-accused. Nothing was recovered from the petitioner. The petitioner is not involved in any other case under the NDPS Act. Rigors of Section 37(1)(b) of the NDPS are not applicable qua the petitioner. The petitioner is in custody since 10.01.2021. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of nature of accusation and gravity of offence against the petitioner, he does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, particularly that the petitioner was not apprehended on the spot, no recovery was made from him, there is no evidence against him except the disclosure statements of his co-accused, rigors of Section 37(1)(b) of the NDPS Act will not apply qua the petitioner and also stand satisfied by implication and the fact that trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offences under the NDPS Act after his release on bail and in case of commission of similar offences by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

16.08.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No