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

**CRM-M-16429-2021
Date of Decision: 23.04.2021**

Kaku @ Binder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. Karan Sharma, AAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner seeking regular bail in case FIR No.229 dated 26.05.2020, under Sections 18, 27(a), 61 and 85 of the NDPS Act, Section 51(b) of the Disaster Management Act and Section 188 of the IPC, registered at Police Station Tohana, District Fatehabad.

2. Attention of the Court has been drawn to the order passed by a Co-ordinate Bench of this Court in the case of co-accused Baljeet, who was granted bail in CRM-M-1453-2021 on 16.03.2021.

3. The petitioner was the Cleaner in the concerned Truck, although recovery of contraband was made from the possession of the co-accused Balu Singh s/o Kalu Singh. Co-accused Baljeet was thereafter granted bail in CRM-M-1453-2021 by the Co-ordinate Bench of this Court, considering that there

was no record of his previous involvement in any other case under the NDPS Act and no recovery was directly effected from his possession.

4. The petitioner has remained in detention for almost eleven months, following his arrest on 26.05.2020.

5. After completion of investigation against the petitioner, Challan against him has already been submitted. Charges are yet to be framed.

6. As such, considering the detention undergone by the petitioner, and without commenting any further on the merits of the present case as a whole, as also considering the fact that the trial is yet to commence in view of the ongoing COVID-19 Pandemic, the prayer of the petitioner for releasing him on regular bail is allowed and he is ordered to be released on bail, subject to the appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Disposed off.

23.04.2021

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No