

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

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**CRM-M-18075-2021
Date of Decision: 28.05.2021**

Inderpal Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. D.N.Ganeriwala, Advocate for petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Reply dated 27.05.2021 by way of affidavit of Dharamvir, HPS, Deputy Superintendent of Police, Odhan, District Sirsa, along with Annexure R/1 on behalf of respondent-State has already been filed with the Registry of this Court and the same is taken on record.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Inderpal Singh** in case FIR No.74 dated 04.05.2020 under Section 22 (c) of NDPS Act and Section 188 IPC, registered at Police Station Odhan, District Sirsa.

Learned counsel appearing for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges that allegedly recovery of contraband

(1050 tablets of *Tramadol*) was effected from co-accused Prem Kumar. He further urges that petitioner has been arrayed as accused on the disclosure statement of co-accused Prem Kumar on the allegations that above said contraband was purchased by him (Prem Kumar) from the petitioner. He further urges that alleged recovery of contraband effected at the instance of co-accused Prem Kumar cannot be said to be from the conscious possession of petitioner, thus, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further urges that petitioner is in custody since 07.12.2020 and he is no more required by the Police for any investigation purpose. He further submits that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel 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 and have carefully gone through the contents of petition as well as reply furnished at the instance of respondent-State.

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 07.12.2020; that petitioner is no more required by the Investigating Agency for investigation

purpose; that *challan* has already been presented in Court and since 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-**Inderpal Singh** 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, Sirsa, as the case may be.

(LALIT BATRA)
JUDGE

28.05.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No