

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

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CRM-M-18408-2021

Date of decision : 12.11.2021.

Mohammad Shadab @ Haji @ Naushad

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.169 dated 06.06.2019 under Sections 21, 27-A, 29, 61 of the NDPS Act, registered at Police Station Jind Sadar, District Jind.

Learned Senior counsel for the petitioner contends that neither the petitioner is named in the FIR nor recovery has been effected from him. He has been arraigned as an accused on the statement of co-accused Safdar Ali @ Guddu. The recovery of 3 kg. 450 gram smack was allegedly effected from co-accused Pappu who had named co-accused Safdar Ali in a statement and the petitioner in turn has been named by Safdar Ali. No recovery has been effected from the petitioner or co-accused Safdar Ali. He further contends that co-accused Govind @ Bagga has been granted regular bail by the Coordinate Bench in CRM-M-907 of 2020, on 01.10.2020. The petitioner has been involved in five more cases under the NDPS Act in a similar manner on the statement of co-accused. No recovery has been effected from him in any case under the NDPS Act either prior to his arrest or after his arrest. A Coordinate Bench of this Court vide order dated 25.01.2021 in CRM-M-29465-2020, CRM-M-29587-2020, CRM-M-29649-

2020, CRM-M-29827-2020 and CRM-M-29844-2020 has granted regular bail to the petitioner in five other cases. He also contends that the petitioner is in custody for over eight months.

Learned State counsel, upon instructions from ASI Satish Singh, states that although challan has been filed but charges are yet to be framed. He has filed the custody certificate in Court, which indicates that the petitioner is in custody for eight months and four days as on 11.11.2021. He, however, is not in a position to controvert the submissions of learned counsel for the petitioner that no recovery has been effected from the petitioner in any case under the NDPS Act. He, however, contends that there are call details of the petitioner being in touch with co-accused.

Heard.

In view of the above especially when the petitioner is not named in the FIR, no recovery has been effected from him, he is in custody for over eight months, co-accused has been granted bail, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

November 12, 2021
sonia gugnani

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