

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 204

CRM-M-18647-2021

Date of decision : 25.05.2021

Vishnu @ Monu

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Raman Chawla, Advocate, for the petitioner.

Mr.Ashok Kumar Sehrawat, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.163 dated 04.05.2020, registered under Sections 22-C/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the NDPS Act) (Section 27-A of the NDPS Act added later on), Section 188 IPC and 51-B of the Disaster Management Act, 2005, at Police Station Sadar Fatehabad, District Fatehabad.

The petitioner is being prosecuted for having sold 990 capsules of Tramadol Hydrochloride to co-accused Amit Kumar @ Monu.

Seeking regular bail for the petitioner learned counsel submits that the petitioner, who is a young man aged 28 years, has been falsely implicated in the present case; he is in custody since 03.08.2020; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation; no recovery of any contraband was effected from him; the only evidence against him is the alleged disclosure statement of co-accused Amit Kumar @ Monu, allegedly made by him in police custody, which is not admissible under Section 25 of the Indian Evidence Act, 1872; co-accused

Amit Kumar @ Monu @ Dholu from whom the alleged recovery of narcotics has been effected had earlier approached this Court through CRM-M-23242-2020 and was granted regular bail and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is engaged in selling of narcotics and if released on bail he may indulge in similar offences.

The petitioner is in custody since 03.08.2020; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation; co-accused Amit Kumar @ Monu @ Dholu from whom the alleged recovery of narcotics was made has been granted regular bail by this Court and that the petitioner's trial, which is yet to commence, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fatehabad the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

25.05.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No