

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Criminal Misc.-M-18906 of 2021

Date of Decision: May 18, 2021

Monu Goswami

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Sumeet Puri, Advocate,  
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

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**MANOJ BAJAJ, J. (Oral)**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.233 dated 24.09.2020, under Sections 22-C, 27-A, 29 and 61 N.D.P.S.Act, 1985, registered at Police Station, Sadar Ratia, District Fatehabad. The petitioner is in custody since his arrest on 11.02.2021.

As per the allegations in the FIR, on 24.09.2020, when the police party was present at Nakta Road, Khunan for patrolling, then two young boys were seen coming from the side of village Khumber on motorcycle bearing registration No.HR-40F-8891, who on seeing the police party tried to escape. They were apprehended on suspicion and on search of plastic bag held by them, 19800 tablets of Tramadol Hydrochloride were recovered. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the recovery of alleged contraband was made from two accused persons, namely, Kuljinder Singh @ Bindu and Hardeep Singh and petitioner was not even present on the spot. He has argued that on the basis of the disclosure

statement of Kuljinder Singh, another accused, namely, Anil was implicated in the above FIR and on his disclosure statement, another co-accused Pawan was indicted. He submits that it is on the statement of Pawan, the petitioner has been arraigned as an accused in the present case. He submits that in the given facts, the further custody of the petitioner may not be necessary as the investigation of the case is complete. He prays for bail.

The prayer is opposed by the learned State counsel assisted by SI Radha Krishan on the ground that the recovered contraband falls within the ambit of commercial quantity. He submits that the petitioner is involved in another case, i.e., FIR No.297 dated 25.10.2020, under Sections 22-C 27-A, 29 and 61 N.D.P.S.Act, Police Station, Sadar Tohana. However, it is not disputed that the petitioner was not arrested on the spot as he was indicted on the basis of the statement of co-accused. Learned counsel further submits that the charges in this case are yet to be framed.

At this stage, leaned counsel for the petitioner has invited the attention of the court to the order dated 29.04.2021 (Annexure P-2) to contend that in case FIR No.297 dated 25.10.2020, petitioner was indicted in a similar manner, i.e., on the basis of the disclosure statement of co-accused Pawan and has been released on regular bail.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the trial is at the initial stage with no possibility of its completion in near future as charges are yet to be framed. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the Government of Punjab, Haryana and U.T.Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the

conclusion of trial. Admittedly, the petitioner is not involved in any other case of similar nature, therefore, he has made out a case for his release on regular bail. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 11.02.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Fatehabad.

**May 18, 2021**  
**vipin kumar**

**( MANOJ BAJAJ )**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable:

Yes/No  
Yes/No