

214

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

**CRM-M-20099-2021
Date of Decision: 25.05.2021**

PAWAN KUMAR

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. Vishal Kashyap, AAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioner, in case FIR No.297 dated 25.10.2020, under Sections 22-C, 27-A, 29, 61 and 85 NDPS Act, registered at Police Station Sadar Tohana, District Fatehabad.

[2]. The petitioner has remained in detention for almost 5 ½ since 02.02.2021.

[3]. Admittedly, no direct recovery was effected from the petitioner. His name has transpired only from the disclosure statement of another co-accused Pawan, from whom again no direct recovery was effected.

[4]. The prayer for regular bail has nevertheless been opposed on behalf of the State by contending that the petitioner is involved in two other cases under the NDPS Act. From his side, Ld. Counsel for the petitioner submits that there was no actual recovery from the petitioner in any of the cases and he has been implicated in other two cases subsequent to his arrest

in the present case.

[5]. In the opinion of this Court, this is not a sufficient ground to detain the petitioner at this stage for an indefinite period, since no direct recovery was effected from his own possession.

[6]. In view thereof, without commenting any further on the merits of the present case as a whole and in view of the detention undergone by the petitioner, as also the fact that the trial is likely to take its own substantial time, particularly on account of the ongoing Covid-19 pandemic, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[7]. Disposed off.

25.05.2021

Ali

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No