

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

**CRM-M-23158-2021
Date of decision: 30.06.2021**

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...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Dhankar, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 269 dated 28.07.2020, registered under Section 22(b) of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner submits that the FIR was registered at the instance of Investigating Officer that while on patrol duty, it was noticed that a person is walking with a plastic bag in his hand and on seeing the police party, he tried to turn back and ran away, however, on suspicion, he was apprehended by the police officials. He disclosed his name as 'Kuldeep Singh' (co-accused). After giving a notice under Section 50 of the NDPS Act, his search was conducted and 44 packets of intoxicant tablets (total 4400 tablets) were recovered. Upon arrest, said Kuldeep Singh suffered a disclosure statement that the recovered tablets were sold to him

by petitioner Narender Singh.

Learned counsel further submits that petitioner is a first offender; he is not involved in any other case; he is an agriculturist by profession and he has been falsely implicated by the police due to enmity in the village.

Learned counsel further submits that after the arrest of the petitioner, no intoxicant substance was recovered from him to corroborate the allegations made in the disclosure statement of aforesaid co-accused.

Learned counsel further submits that petitioner is in judicial custody for the last about 03 months and 12 days; investigation is complete; co-accused Kuldeep Singh has already been granted concession of interim regular bail under Section 167(2) Cr.P.C., vide order dated 08.01.2021 passed in CRR-14-2021, as the challan was submitted without FSL report.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case and he is in judicial custody for the last about 03 months and 12 days. Learned State counsel submits that no intoxicant tablets were recovered from the petitioner except an amount of Rs. 500/-.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last about 03 months and 12 days; he is not involved in any other case; after his arrest, no intoxicant substance was recovered from him and also in view of the judgment rendered by Hon'ble Supreme Court in *Tofan Singh vs. State of Tamil Nadu, 2013 (9) SCR 962*, the instant petition is allowed. The

petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

30.06.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>