

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

121

Date of Decision: 13.10.2021.

(1) CRM-M-24309-2021

Ram Niwa Patidar	Versus	Petitioner.
State of Haryana		Respondent.

AND

(2) CRM-M-42951-2020

Suresh Vyas	Versus	Petitioner.
State of Haryana		Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. P.S. Jammu, Advocate
for petitioner (in CRM-M-24309-2021).

Mr. Arpandeeep Narula, Advocate
for petitioner (in CRM-M-42951-2020).

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

By this common order, above-mentioned two petitions are being disposed of as the same have arisen out of the same FIR.

Both these petitions under Section 439 Cr.P.C have been moved by petitioners-**Ram Niwas Patidar** and **Suresh Vyas** for grant of regular bail in case FIR No.335 dated 31.07.2020 under Sections 18, 27-A and 29 of NDPS Act, registered at Police Station Rania, District Sirsa.

Status report dated 11.10.2021 by way of affidavit of Jai Singh, Assistant Sub Inspector, Rania, alongwith Annexure R-1 (copy of FSL report) filed on behalf of respondent-State, is taken on record.

Learned counsel for the petitioners *inter alia* contend that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. They further submit that allegedly contraband (Opium weighing 2 Kilograms—300 grams) which is 'non-commercial quantity' was recovered from the petitioners. They further submit that provisions of Section 42 of NDPS Act have not been complied with by the Investigating Agency in letter and spirit. They further submit that petitioners are languishing in custody since 31.07.2020 and they are no more required by the Investigating Agency for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. They further submit that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioners in custody further and they may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioners do not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioners are languishing in custody since

31.07.2020; that petitioners are no more required by the Investigating Agency for investigation purpose as after completion of investigation final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioners in custody further, thus, they deserve the concession of bail.

In view of above, both petitions for grant of regular bail moved by petitioners-**Ram Niwas Patidar** and **Suresh Vyas** are allowed and they are ordered to be released on bail on their furnishing personal/surety bonds to the satisfaction of Trial Court/Duty Magistrate, Sirsa, as the case may be.

(**LALIT BATRA**)
JUDGE

13.10.2021
jitender

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