

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

**CRM-M No.20971 of 2020 (O&M)
Date of Decision.18.01.2021
(Heard through VC)**

Nikhil

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.187 dated 01.03.2018 registered under Sections 21, 22 of the NDPS Act, 1985 and Sections 18A/18C/27 of Drugs and Cosmetic Act, 1940 at Police Station City Sirsa, District Sirsa, who is in custody since 12.01.2020.

Counsel for the petitioner *inter alia* contends that a reading of contents of the FIR would reflect that the petitioner has not been named in the said FIR. In fact, he has been arrested only on the statement given by a co-accused Nirbhay Singh, who stated that he and the petitioner herein were employed under Amit Chawla, who had taken the premises on lease from Rakesh Chitkara. It is further argued that on the basis of disclosure statement, no recovery has been effected from the petitioner herein. The petitioner submits that merely on the basis of a statement given by a co-accused in custody, he could not be held liable under the said FIR. It is also

argued that the investigation under the said matter is complete and the challan stands presented, therefore, there would be little scope for the petitioner to interfere in the investigation.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner on the ground that quantity of contraband recovered falls under commercial quantity.

I have heard learned counsel for the parties and have perused the paper book.

Keeping in view the fact that the investigation is complete and challan stands presented and the petitioner is in custody since 12.01.2020 coupled with the fact that the trial is likely to take some time to conclude, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

January 18, 2021

Pankaj*

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