

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

114+246

**CRM-28303-2021;
CRM-24933-2021 in/and
CRM-M-25923-2021.
Date of Decision: 06.09.2021.**

Harwinder Singh @ Henry

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Parminder Singh Sekhon, Advocate for applicant/petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

CRM-28303-2021

Copy of order dated 26.08.2021 (Annexure A/3) is taken on record, subject to all just exceptions.

CRM is allowed.

CRM-24933-2021

Recovery memos (Annexures A/1 and A/2) are taken on record, subject to all just exceptions.

CRM is allowed.

Main Case

This petition under Section 439 Cr.P.C has been moved by petitioner-**Harwinder Singh @ Henry** for grant of regular bail in case FIR No.14 dated 30.01.2021 under Sections 22 and 29 of NDPS Act, registered

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that allegedly contraband i.e. 1260 intoxicant tablets make Celcidal-100 SR (Tramadol) was recovered from co-accused Rupinderjit Singh. He further urges that apart from above, contraband i.e. 160 intoxicant tablets make Celcidal-100 SR (Tramadol) was recovered from co-accused Rohit Khan. He further submits that name of petitioner surfaced in the array of accused in terms of disclosure statement rendered by co-accused Rupinderjit Singh on the allegations that above said contraband was supplied to him by the petitioner. He further submits that co-accused Rohit Khan has already been admitted to bail by this Court, vide order dated 01.04.2021 passed in CRM-M-13717-2021 (Annexure P/2). He further urges that petitioner has been arrayed as accused while invoking provisions of Section 29 of NDPS Act as no contraband was recovered at the instance of petitioner and once alleged recovery of contraband (commercial quantity) was effected from conscious possession of co-accused Rupinderjit Singh, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further submits that petitioner is languishing in custody since 19.05.2021 and he is 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. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he 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, petitioner does 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 petitioner is in custody since 19.05.2021; that petitioner is 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 petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Harwinder Singh @ Henry** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Sangrur, as the case may be.

(LALIT BATRA)
JUDGE

06.09.2021
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No