

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

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**CRM-M-29450-2021
Decided on : 04.08.2021**

Jai Bhagwan

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. G.S. Kaura, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by ASI Sushil Kumar.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 388, dated 13.08.2019, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (added later on Section 27-A of the NDPS Act), registered at Police Station City Tohana, District Fatehabad.

On a query query put to learned counsel for the petitioner as to what were the change in circumstances, subsequent to the dismissal of the previous petition on 07.04.2021 (Annexure P-3), this Court has been apprised that the main accused from whom the recovery was effected has already been extended the concession of bail. Learned counsel further submits that the petitioner was arraigned as an accused on the basis of disclosure statement made by co-accused Jaiveer Singh @ Lillar (since released on bail) from whom the recovery of 1kg. 55 grams Opium, was effected. Learned counsel further submits that the evidentiary value of such disclosure statement is of a weak nature. Further submits that the petitioner has been in custody since 07th April, 2021 and there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sushil Kumar, has conceded that the main accused from whom the recovery of 1 Kg. 55 grams of Opium, was effected, has since been enlarged on bail. She has also submitted that though the petitioner is involved in another case under the NDPS Act, however, in that case as well, the petitioner was arraigned as an accused on the basis of a disclosure statement and no recovery of any contraband was effected from him. She has further submitted that the petitioner stands acquitted in the second case under the NDPS Act.

Heard.

Having heard learned counsel for the parties and keeping in view the facts and circumstances of the present case, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 04, 2021

J.Ram

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