

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

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**CRM-40190-2021 in
CRM-M-33100-2021.
Date of Decision: 07.12.2021.**

Salinder	Versus	Applicant/Petitioner.
State of Haryana		Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Amit Choudhary, Advocate for applicant/petitioner.
Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM-40190-2021

This application under Section 482 Cr.P.C. has been moved for preponing the date of hearing of the main petition, which is already fixed for 14.01.2022.

Notice of application.

At the asking of Court, learned State counsel accepts notice of the application and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Salinder** in case FIR No.176 dated 26.04.2021 under Section 15 of NDPS Act, registered at Police Station City

Learned counsel for the petitioner *inter alia* contends that prosecution version, as alleged, is totally concocted one and there is no iota of truth therein. He further urges that allegedly on 26.04.2021 petitioner alongwith co-accused Sanjeev @ Kala was found in possession of contraband 13 Kilograms—200 grams Poppy Straw 'non-commercial quantity', whereas petitioner has no nexus whatsoever with the alleged contraband. He further submits that petitioner is languishing in custody since 26.04.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*), has been presented and trial has commenced. 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 the cause of petitioner has vehemently argued that in view of seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have 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 languishing in custody since 26.04.2021; that petitioner is no more required by the Investigating Agency for investigation purpose as final report as envisaged 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-**Salinder** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Fatehabad, as the case may be.

(LALIT BATRA)
JUDGE

07.12.2021

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No