

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

206

**CRM-M-32898-2020
Decided on : 19.02.2021**

Sube Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

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

Ms. Tanushree Gupta, DAG, Haryana
assisted by ASI Kashmir.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 261, dated 15.08.2020, under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act') (subsequently added Section 27-A of the NDPS Act), registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner contends that pursuant to chance recovery of 1500 tablets of Alprazolam total weighing 304 grams and 2000 tablets of Tramadol Hydrochloride total weighing 1.67 Kgs. from co-accused Suresh Kumar @ Mangal, disclosure statement was allegedly made by him in which he named the petitioner and stated that he had procured the recovered contraband from him. Learned counsel further submits that on the very same day soon thereafter, the co-accused Suresh Kumar @ Mangal allegedly made another disclosure statement, wherein, he came up with a totally contrary statement as given in the first disclosure statement and stated that in fact the recovered contraband had been effected from co-accused Sahil. He further submits that in

view of the contradictory disclosure statements having been made by the co-accused Suresh Kumar @ Mangal and coupled with the evidentiary value of such disclosure statements, the petitioner deserves the concession of regular bail. Learned counsel for the petitioner further submits that petitioner has been in custody since 17th August, 2020 and only challan has been presented as on date.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. She has, however, not been able to controvert the factual aspect of the submissions so made by learned counsel for the petitioner. She has further submitted that the challan was presented on 09th February, 2021 and the delay has been on account of the outbreak of pandemic COVID-19.

Heard.

In view of the submissions made by learned counsel for the parties, 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, more so, in the prevailing conditions due to the outbreak of COVID-19. 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

February 19, 2021

J.Ram

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