

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-34865 of 2020 (O&M)

Date of Decision: 21.01.2021

Anil Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-26608-2020:

Prayer in this application filed under Section 482 Cr.P.C. is for exemption from filing original *vakalatnama* and for grant of permission to place on record photocopy of the same.

Prayer for exemption from filing original *vakalatnama* on account of COVID-19 is accepted with the condition that the petitioner shall deposit the original *vakalatnama* within a period of one month when the situation becomes normal from the COVID-19 effect. The photocopy of the *vakalatnama* is taken on record.

Application stands disposed of.

Criminal Misc. No.M-34865 of 2020:

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.251 dated 26.07.2020 under Section 22 NDPS Act registered at Police Station Sirsa Sadar, District Sirsa.

Learned counsel for the petitioner has argued that the petitioner has not been named in the present FIR. It is on the basis of disclosure statement of co-accused Laxman and Sanjay to the effect that they had purchased 920 tablets of Tramadol Hydrochloride Diclofenac Sodium, Dicyclomine Hydrochloride & Chlorpheniramine Maleate Capsules PARVORIN-SPAS from the petitioner, the petitioner has been involved in the present case. The petitioner was arrested on 15.09.2020 and there is no other case pending against the petitioner. Investigation in the case is complete and challan has been presented. Learned counsel has referred to orders of this Court dated 14.01.2021 passed in CRM-M-42254-2020 **Amit Kumar Vs. State of Haryana, Amandeep Sharma Vs. State of Punjab** 2019(3) Law Herald 2655 and **Sant Lal Vs. State of Haryana** 2019(1) Law Herald 848 to contend that when no recovery is effected from the possession of the petitioner and he has been named as an accused only on the basis of disclosure statement of the co-accused, the petitioner is entitled for bail.

Learned State counsel, on instructions from ASI Suresh Kumar, does not dispute the custody of the petitioner and the fact that there is no other case pending against the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 15.09.2020 and there is no other case of similar nature pending against him and the petitioner has been named as an accused in this case solely on the basis of disclosure statements of co-accused Laxman and Sanjay and also while analyzing the case of petitioner in view of orders of this Court in the cases of **Amit Kumar Vs. State of Haryana (Supra)** **Amandeep Sharma Vs. State of Punjab (Supra)**, and **Sant Lal Vs. State of Haryana (Supra)**, this Court feels that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that in case the petitioner is found indulged in any case of similar nature in future, the prosecution shall be at liberty to seek cancellation of bail in this case.

January 21, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No