

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

CRM-M-39702-2021 (O&M)

Date of decision: 26.11.2021

Jharmal Singh

...Petitioner

V/S

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ripudaman Singh Sidhu, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

ARUN MONGA, J. (ORAL)

This is second foray of the petitioner before this Court, seeking regular bail in FIR No.21 dated 15.02.2020 registered under Section 22 of NDPS Act, at Police Station Odhan, District Sirsa, having got the first petition disposed of vide order dated 28.08.2020 passed in CRM-M-13252-2020.

2. Per FIR, on 15.02.2020 while SI Dharambir along with other police officials was on patrolling duty, a Motor cycle with two occupants coming from the side of village Salam Khera were stopped by the police party. On the basis of suspicion, information was sent to the police station and on search, polythene envelope containing 18 boxes of tramadol 100 mg and 360 strips of tablets totalling 3600 tablets was found. Petitioner and his co-accused failed to produce any permit or licence. FIR was registered and both of them were arrested from the spot. The petitioner is stated to be in custody ever since.

3. Learned counsel for the petitioner submits that petitioner has no criminal antecedents as there is no criminal case pending against him. This

the only case in which he is involved. He further submits that the petitioner was released on interim bail vide order dated 28.08.2020 awaiting the report of FSL. He did not misuse the concession and surrendered after the receipt of report of FSL.

4. Learned counsel for petitioner further submits that petitioner has been falsely implicated in the present case and the mandatory provision of Section 50 Under the NDPS Act has not been complied with by the police at the time of alleged recovery. It is further contended that investigation in the case is complete and challan has been presented, conclusion of trial will take long time.

5. Learned counsel for the petitioner also argues that petitioner is entitled to regular bail on the basis of parity also, as co-accused Gurdeep Singh has already been granted the concession of regular bail vide order dated 24.08.2021 passed in CRM-M-26413 of 2020 (Annexure P-3).

6. Per contra, learned State counsel opposes the bail plea inter alia on the ground that alleged recovery of 3600 Tramadol Hydrochloride tablets falls under the commercial quantity.

7. I have heard the rival contentions of the respective learned counsels.

8. The contentions of learned counsel for petitioner, as noted aforesaid, may have substance but same can only be adjudged at the trial. But the trial is not likely to conclude soon in view of the situation arisen due to pandemic. The investigation is already over and charges have been framed. The case before the trial court is now fixed for prosecution evidence.

9. Learned State counsel submits that out of 12 witnesses, 07 have already been examined. It seems that since the examination of material

witnesses has already taken place, there is no likelihood of any undue influence to be caused to any of them.

10. Considering the overall scenario and also granting the concession of parity, without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

12. It is, however, made clear that in case the petitioner is found involved in any other FIR while on bail, the prosecution shall be at liberty to seek cancellation of instant bail.

26.11.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No