

**202-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-36643-2020
Date of decision: 14.01.2021

Monu @ ShishpalPetitioner

versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G., Haryana
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner-Monu @ Shishpal has come up in this 1st regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.157 dated 21.08.2020 under Sections 22 ©/27-A of the NDPS Act, 1985 registered at Police Station Bhattu Kalan, District Fatehabad.

The allegations against the petitioner are to the fact that on the basis of secret information that one Arvind @ Bablu was carrying on trade in selling intoxicating tablets and capsules in

Kiryana shop, a raid was conducted and from his possession 4800 tablets and 2400 capsules of intoxicating nature were recovered.

During the course of the investigation, the accused disclosed that his co-accused/non-applicant-Satpal, Rajesh @ Raja and Narender and the present petitioner were instrumental in bringing the contraband from Rajasthan.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since 22.08.2020 and that no recovery has been effected from him and has sought to challenge the legality and applicability of statement of co-accused on the basis of which he has been implicated.

The learned State counsel though does not displace the facts but has strongly opposed the grant of bail on the grounds of heinousness of the offences.

Going the submissions admittedly recovery has been made from co-accused and on whose subsequent statement, the petitioner and others have been roped in. Thus, debatable issue arises over the legality and applicability of the offence. The petitioner is behind the bars since long time. In view of the period of incarceration and the fact that the trial is not likely to be concluded in the near future, no useful purpose will be served by keeping the petitioner behind the bars for more time. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

14.01.2021
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No