

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

110(a)

CRM-M-38628-2020

Date of Decision:18.02.2021

PARMENDER

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

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

**Present: Mr. Vikas Kumar, Advocate,
for the petitioner.**

Mr. Bhupender Singh, D. A.G., Haryana.

HARI PAL VERMA, J.(Oral)

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

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.418 dated 26.08.2020 under Sections 22(C) and 27-A of the NDPS Act, 1985 registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that in the present FIR, the petitioner has been named as an accused on the basis of the disclosure statement of co-accused Raj Kumar alias Raju and that too in his second disclosure statement. He (Raj Kumar alias Raju) has made two different disclosure statements, but in his first disclosure statement, he has not named the petitioner. He further submits that the present FIR was registered at the time when the petitioner was otherwise in custody in connected FIR No.284 dated 28.08.2020. The recovered quantity is non-

commercial and the petitioner is in custody since 11.09.2020.

Learned State counsel, on instructions from ASI Ramesh Kumar does not dispute the custody period, however, he submits that the alleged recovery effected in the case is commercial.

Heard learned counsel for the parties.

The petitioner is in custody since 11.09.2020. Considering the fact that petitioner has been named as an accused in the present FIR by co-accused Raj Kumar alias Raju in his second disclosure statement, this Court finds that culpability of the petitioner is yet to be established during the course of trial. Trial in the case is not likely to be concluded in the near future, thus, this Court deems it appropriate to admit the petitioner on bail.

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

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that, in case, the petitioner is found indulged in any other case under the NDPS Act, the State shall be at liberty to seek cancellation of his bail.

February 18, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No