

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

207

**CRM-M-39089-2020
Decided on : 07.01.2021**

Gulzar Ahmad

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. G.C. Shahpuri Singh , Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana
Assisted by SI Dharam Singh.

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. 171, dated 26.10.2020, under Sections 22, 29, 61 and 85 of the NDPS Act, 1985, registered at Police Station Partap Nagar, District Yamuna Nagar.

Learned counsel for the petitioner contends that neither was the petitioner named in the secret information received by the investigating agency nor was he apprehended at the spot with the alleged recovery of 1800 capsules i.e. 1.026 Kg of Parvio-Spas Capsules, which was effected from the co-accused Pardeep Kumar. Learned counsel has submitted that the petitioner was nominated as an accused only on the basis of an alleged disclosure statement made by co-accused Pardeep Kumar before the investigating agency that the recovered contraband was procured by him from the petitioner. He has further submitted that the petitioner is not involved in any other criminal case, much less, a case under the NDPS Act and has been in custody since 29th October, 2020. Hence, there is no likelihood of the trial concluding any time in the near

future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Dharam Singh, has submitted that challan has been filed, however, charges are likely to be framed in the near future. The learned State counsel has admitted that the name of the petitioner was arraigned as an accused only on the basis of alleged disclosure statement of co-accused Pardeep Kumar. Learned State counsel has not been able to controvert the fact that the petitioner is not involved in any other case under the NDPS Act.

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 as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 07, 2021

J.Ram/S.Sharma

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