

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

213/3

**CRM-M-39373-2020(O&M)
Date of Decision: 16.03.2021.**

Gaurav @ Rahul

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. D.P.S. Bajwa, Advocate for petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C has been moved by petitioner- **Gaurav @ Rahul** for grant of regular bail in case FIR No.224 dated 30.09.2020 under Sections 22(c) and 27-A of NDPS Act, registered at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that allegedly 30000 tablets Radol-100 having salt Tramadol Hydrochloride were

recovered from co-accused namely Kuldeep Singh @ Nannu son of Satbir

and Kuldeep Singh son of Banta Singh, which fall within the purview of 'commercial quantity'. He further urges that petitioner has been arrayed as accused on the disclosure statement of co-accused namely Keshav Goyal and as such alleged recovery of contraband cannot be stretched to have been effected from the conscious possession of petitioner, thus, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further urges that petitioner is in custody since 06.10.2020 and he is no more required by the Police for any investigation purpose. He further submits that since presentation of *Challan* and trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 06.10.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that since presentation of *Challan* and consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner – **Gaurav @ Rahul** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Fatehabad, as the case may be.

(LALIT BATRA)
JUDGE

16.03.2021
d.gulati

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