

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

215

CRM-M-40805-2020.

Date of Decision: 29.01.2021.

Sanjay Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Inderjeet Singh, 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 is for grant of regular bail to petitioner-**Sanjay Kumar** in case FIR No.436 dated 13.11.2020 under Section 15 of NDPS Act, (Sections 27A and 29 of NDPS Act added lateron), registered at Police Station Ladwa, District Kurukshetra.

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 contraband (poppy husk) weighing 50 kilograms 700 grams was recovered from co-accused namely Rehman Khan and Rahim Khan, which is marginally above the 'commercial quantity'. He further urges that petitioner has been arrayed

as accused on the disclosure statement of co-accused namely Rehman Khan and as such alleged recovery of contraband cannot be stretched to have been effected from the conscious possession of petitioner, thus, rigors of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further urges that petitioner is in custody since 15.11.2020 and he is no more required by the Police for any investigation purpose. He further submits that challan has been presented in Court on 08.01.2021 and trial has already commenced. He further urges that since 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 15.11.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court and since 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-**Sanjay Kumar** 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, Kurukshetra, as the case may be.

(LALIT BATRA)
JUDGE

29.01.2021
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No