

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

Sr. No. 215(2)

CRM-M No. 41064 of 2020

Date of decision : 15.03.2021

Sewak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Gurdarshan S. Sidhu, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.89 dated 31.08.2019 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) registered at Police Station Rori, district Sirsa.

The petitioner is being prosecuted for having been found in illegal possession of 1300 tablets containing tramadol hydrochloride.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case; there is violation of Section 50 of the NDPS Act as no separate offer was made to the petitioner; similarly placed co-accused Ranjit Singh has been granted regular bail by this Court; there is no other criminal case in which the petitioner is involved; the petitioner is in custody since 31.08.2019 and that the petitioner's trial in which 08 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 1300 tablets containing tramadol hydrochloride and if he is released on bail he may indulge in similar offences.

The petitioner is in custody since 31.08.2019; similarly placed co-accused Ranjit Singh has been released on regular bail by this Court and the petitioner's trial in which 08 prosecution witnesses still remain to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sirsa the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

15.03.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No