

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

115+229

**CRM-38045-2021 in/and
CRM-M-46540-2021
Date of Decision: 11.11.2021**

Sanjeev @ Kala

....Applicant/Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. K.S.Siwach, Advocate for applicant/petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM-38045-2021

Document (Annexure A/1) is taken on record, subject to all just exceptions.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Sanjeev @ Kala** for grant of regular bail in case FIR No.176 dated 26.04.2021 under Sections 15 and 27-A of NDPS Act, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that allegedly contraband (13 kilograms –

petitioner as well as co-accused Salinder, whereas above said recovery of contraband is planted one. He further urges that petitioner is neither owner nor tenant of the premises from where the alleged recovery of contraband was shown to be effected. He further submits that in case FIR No.229 dated 13.09.2017 under Sections 148 and 307 IPC read with Section 149 IPC and Section 25 of Arms Act, registered at Police Station Uklana, District Hisar, petitioner has already been extended concession of regular bail by this Court, vide order dated 16.05.2018 passed in CRM-M-20004-2018. He further submits that in case FIR No.234 dated 27.09.2019 under Section 22 (b) of NDPS Act, registered at Police Station Sadar Tohana, District Fatehabad, petitioner has already been admitted to regular bail by Sessions Court, vide order dated 05.02.2020. He further submits that in case FIR No.67 dated 25.04.2021 under Sections 22 (c) and 27-A of NDPS Act, registered at Police Station Tohana, District Fatehabad as well, petitioner has already been released on regular bail by this Court, vide order dated 14.10.2021 passed in CRM-M-24526-2021. He further submits that petitioner is languishing in custody since 26.04.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. 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 and have carefully gone through the contents of petition.

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 26.04.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since 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-Sanjeev @ Kala is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Fatehabad, as the case may be.

(LALIT BATRA)
JUDGE

11.11.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No