

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

CRM No.M-43204 of 2020 (O&M)

Date of Decision: January 05, 2021

Kuldeep alias Kuldeep Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Vikas Bishnoi, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.102 dated 21.07.2020 under Section 22(c) of the NDPS Act (Sections 15 and 27-A of NDPS Act added later on), registered at Police Station Jakhal, District Fatehabad.

As per version of the prosecution, on 21.07.2020, Lakhbir @ Lakha and Rani, while going on motorcycle, were apprehended by the police party and 1000 tablets of Tramadol Hydrochloride, total weighing 422 grams were recovered from the bag carried by Rani, who was pillion rider of the motorcycle. Subsequently, in their disclosure statements, both the aforesaid co-accused had disclosed that they had purchased the tablets

from Dharmender, who thereafter, had also made disclosure statement, thereby stating about having purchased the intoxicant tablets from Kuldeep-present petitioner.

Now, it is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the present case. He has not been named in the FIR. Rather, he has no concern with the alleged recovery. He also submits that petitioner is in custody since 09.09.2020. As such, a prayer has been made for grant of regular bail.

Notice of motion.

Ms.Harpreet Kaur, AAG, Haryana, accepts notice on behalf of the respondent-State. However, learned State counsel resisted the claim for grant of regular bail. She submits that challan has already been presented and he is also involved in another case bearing FIR No.118 dated 29.06.2017 under Sections 323, 506 and 34 IPC, registered at Police Station Jakhal, District Fatehabad and petitioner is facing trial in the aforesaid case. In these circumstances, a prayer has been made for dismissal of the bail petition.

Be that as it may be. However, the fact remains that the present petitioner has been nominated as accused, subsequently, in view of the disclosure statement made by two co-accused, who were intercepted at the spot and thereafter, even statement so made by the person, from whom the co-accused intercepted at the spot, had purchased the intoxicant tablets and it was in pursuance to the disclosure statement so made by Dharmender that the present petitioner has been nominated in the present case.

The petitioner is in custody since 09.09.2020. Even though,

consequential trial is going to take time.

Thus, considering the role assigned to the petitioner also considering duration of the custody of the petitioner, the present petition, as such, is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

(ARCHANA PURI)
JUDGE

January 05, 2021
Vgulati

Whether speaking/reasoned	Yes
Whether reportable	No