

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

105

**CRM-M-43169-2021
Date of Decision: 05.10.2021**

Dev Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Kunal Dawar, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Present petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Dev Kumar** in case FIR No.264 dated 05.08.2020 under Sections 22 (c), 27A and 60 of NDPS Act, registered at Police Station Jind Sadar, District Jind.

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 petitioner was not named in the FIR. He further submits that allegedly contraband (70,500 tablets of *Tramadol* - “commercial quantity”) was recovered from co-accused namely Mahender and Dinesh. He further urges that name of petitioner surfaced in the array of accused merely on the disclosure statements rendered by co-accused namely Mahender and Dinesh with the alleged nexus that contraband was purchased

from petitioner. He further urges that alleged conversation between petitioner and co-accused Dinesh since 01.08.2020 and further petitioner had got arranged the contraband from one Jitender, who is working in a medical store under the name and style of 'Shiva Medical Store, Palwal', these allegations showing nexus between petitioner and co-accused Dinesh have no footing to stand. He further urges that since alleged recovery of contraband (commercial quantity) was effected from conscious possession of co-accused namely Mahender and Dinesh, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further submits that petitioner is languishing in custody since 26.08.2020 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 26.08.2020; 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-**Dev Kumar** 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, Jind, as the case may be.

(LALIT BATRA)
JUDGE

05.10.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No