

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

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CRM-M-47970-2021(O&M)

Date of Decision: 26.11.2021

Satvinder Kumar

....Petitioner

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner- **Satvinder Kumar** in case F.I.R. No.225 dated 04.09.2020 under Sections 15 and 61 of NDPS Act, registered at Police Station Chhachhrauli, District Yamuna Nagar.

Learned counsel for 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 urges that allegedly contraband [40 kg of Poppy Straw (non-commercial quantity) was recovered from petitioner as well as co-accused namely Rahul Kumar Kashyap and Sachin Kumar, whereas petitioner has no nexus whatsoever with the alleged contraband. He further submits that co-accused namely Sachin Kumar and Rahul Kumar Kashyap have already been extended concession of default bail under Section 167(2) Cr.P.C. vide orders dated 20.11.2020 and 24.11.2020, respectively, by the Court concerned. He further submits that petitioner remained in custody w.e.f. 04.09.2020 till 06.11.2020 and thereafter he is languishing in

investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further urges that marriage of petitioner is to be solemnized on 30.11.2021. He further submits 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 remained in custody w.e.f. 04.09.2020 till 06.11.2020 and thereafter he is languishing in custody since 27.10.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that co-accused namely Sachin Kumar and Rahul Kumar Kashyap have already been extended concession of default bail under Section 167(2) Cr.P.C. vide orders dated 20.11.2020 and 24.11.2020, respectively, by the Court concerned; 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- **Satvinder 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,
Yamuna Nagar at Jagadhri, as the case may be.

(LALIT BATRA)
JUDGE

26.11.2021
d.gulati

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No