

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

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**CRM-M-44329-2020
Decided on : 08.01.2021**

Rakesh Kumar

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Simranjeet Singh Sarwara , Advocate
for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No. 161, dated 05.11.2020, under Sections 22 and 29 of the NDPS Act, 1985, registered at Police Station Shambu, District Patiala.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand on the basis of alleged disclosure statement suffered by co-accused Salim Khan from whom the alleged contraband (30 strips of intoxicant tablets Lomiltl, each strip containing 60 tablets, total 1800 tablets and 87 strips of intoxicant tablets Alprazolam, each strip containing 60 tablets, total 5220) was effected. Learned counsel submits that the evidentiary value of the disclosure statement so made by the co-accused admittedly, is of a weak nature. He further submits that no recovery, whatsoever, was effected from the petitioner nor is he involved in any other criminal case, much less, a case under the NDPS Act. Hence, a prayer has been made to extend the concession of regular bail to petitioner, as he is in custody since 07.11.2020.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. However, he has not been able to controvert the factum of the petitioner's name having been nominated as an accused on the basis of the disclosure statement of co-accused Salim Khan and further admitted that the petitioner is not involved in any other case under the NDPS Act.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 08, 2021

J.Ram/S.Sharma

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*