

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

104+210

(Through Video Conferencing)

CRM-M-29961-2021 (O&M)

Date of decision: 04.02.2022

Ved Parkash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Ms. Gaganpreet Kaur, AAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-42422-2021

Prayer in the instant application is for placing on record Annexure P-7 and for exemption from filing the copies of the certified/typed copies of the same.

For the reasons mentioned in the application, the same is allowed. The petitioner is exempted from filing certified/typed copies of Annexure P-7, copy of which is taken on record subject to all just exceptions.

CRM-M-29961-2021 (O&M)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.320 dated 07.11.2020 lodged under Sections 22(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") (Section 27-A of the NDPS Act added

lateron) registered at Police Station Sadar Tohana, District Fatehabad.

Learned counsel while drawing the attention of this Court to the FIR in question submits that neither was the petitioner named in the FIR in question nor any recovery effected from him. He submits that the petitioner was nominated as an accused only on the basis of disclosure statement made by accused Babu Singh from whose possession recovery of 26 strips of tramadol (non-commercial quantity) was effected. Learned counsel submits that similarly situated co-accused Anoop Jain, who too had been nominated as an accused on the basis of the disclosure statement of Babu Singh had since been extended the concession of bail by this Court vide order dated 09.09.2021 (Annexure P-7). Learned counsel submits that since the petitioner has been in custody since 09.11.2020 and only challan stands presented till date, hence, there is no likelihood of the trial concluding in the near future. A prayer has, therefore, been made to extend the concession of bail as the investigation is complete and his custodial interrogation is not required by the investigating agency.

Per contra, learned State counsel, on instructions from ASI Sube Singh, has not been able to dispute the factum of the petitioner being nominated as an accused on the basis of a disclosure statement of Babu Singh from whom the alleged recovery of 26 strips of tramadol was effected. She has conceded on instructions that no recovery of contraband was effected from the conscious possession of the petitioner and his case is at parity with co-accused Anoop Jain, who has since been released on regular bail by this Court vide order dated 09.09.2021 (Annexure P-7).

I have heard learned counsel for the parties and perused the material placed on record.

In view of the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has been in custody since 09.11.2020 and the trial is unlikely to conclude in the near future as charges even have not yet been framed, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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