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

**CRM-M-50726-2021 (O&M) .
Decided on: July 18, 2022.**

Kuldeep alias Figo

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH
*** * ***

**PRESENT Mr.Vikas Bishnoi, Advocate,
for the petitioner.**

Ms.Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant for regular bail to the petitioner in case FIR No.43 dated 23.2.2021, under Sections 20 (b) (ii) C, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (but challan presented under Sections 20 (c) 27-A and 29 NDPS Act), registered at Police Station Sadar, Fatehabad, District Fatehabad.

Counsel for the petitioner submits that as per the allegations appearing on the record, co-accused Ram Niwas @ Kala and

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Dharamvir, were apprehended by the police and commercial quantity of ganja was recovered from the car in which they were travelling and thereafter, both the said co-accused suffered disclosure statement that part of the said ganja belongs to the present petitioner.

Counsel for the petitioner further contends that on the basis of said disclosure, the petitioner was arrested on 31.5.2021 by the police and presently, he is lodged in judicial custody and that police has already presented the challan after completion of investigation.

Counsel for the petitioner further contends that during investigation no contraband or any other incriminating article was recovered from the possession of the petitioner and as such, he is entitled to grant of bail.

The present petition for the grant of regular bail has been resisted by the State counsel who submits that the present case is regarding recovery of 2 quintal, 1 kg and 450 grams of ganja from Ram Niwas @ Kala and Dharamvir who after their arrest disclosed that out of said ganja 50 kgs was meant for present petitioner as the same was purchased from the person who was known to the petitioner.

The State counsel further contends that during investigation, it was found that the petitioner was continuously in contact with co-accused Ram Niwas @ Kala, Dharamvir and Himanshu and the call detail records and location of concerned mobile phones are procured by the investigating agency to establish the same.

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The State counsel further contends that the petitioner is also involved in one another case of similar nature and as such, made prayer that the present petition be dismissed.

I have considered the submissions made by the learned counsel for the parties.

The recovery in the present case is of 2 quintals, 1 kg and 450 grams of ganja which is stated to have been effected from the co-accused Ram Niwas @ Kala and Dharamvir, who were arrested at the spot. There are allegations that both the said co-accused made disclosure against the present petitioner and consequently, the present petitioner was arrested on 31.5.2021. Admittedly, after completion of investigation, the challan has already been presented against accused persons before the Court concerned and now the trial is going on and it will take time for the trial to terminate. The relevancy and authenticity of the alleged disclosure made by co-accused against the present petitioner and also the call details collected by the police during investigation will be seen at trial. Admittedly, no contraband has been recovered from the possession of the petitioner during investigation of the present case. No doubt, the petitioner is involved in one another case under the NDPS Act but as per the reply submitted by the State, he is on bail in the said case.

In these circumstances, no purpose is going to be served by keeping the petitioner behind bars for any further period. Accordingly, without commenting on the merits of the case, the present petition is

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allowed and the petitioner is hereby ordered to be released on regular bail
subject to furnishing bail and surety bonds to the satisfaction of the
CJM/Duty Magistrate concerned during the pendency of the trial.

July 18, 2022.
raj arora

(KARAMJIT SINGH)
JUDGE

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