

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-1870-2024 (O&M)
Date of Decision:-1.3.2024

Sandeep Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. R.P.S. Jammu, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
209	8.9.2021	Garhi, District Jind	22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution, pursuant to receipt of secret information on 8.9.2021, one Sumit was apprehended by the police and from whose possession ‘*tramadol hydrochloride*’ tablets total weighing 397.8 grams were recovered. It is further the case of prosecution that during the course of

interrogation, the aforesaid Sumit made a disclosure statement to the effect that the contraband had been supplied to him by Sandeep (petitioner). The police apprehended aforesaid Sandeep and from his possession 100 strips (each strips containing 10 tablets) of Tramadol Prolonged Release Tablets IP Tramwel total weighing 600 grams were recovered.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the alleged recovery has been planted on him. It has been submitted that, in any case, the petitioner has been behind bars since the last about 2½ years and since the main accused namely Sumit has already been granted bail by this Court vide order dated 24.1.2024 passed in CRM-M-42721-2023, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel submitted that since a non-commercial quantity of contraband was recovered from the petitioner as well, the fetters imposed by Section 37 of NDPS Act will come into play. Learned State counsel, however, informed that the petitioner as on date has been behind bars since the last about 2 years, 5 months and 19 days and that the petitioner is not involved in any other case. It has also been informed that as on date 2 PWs out of the cited 24 PWs have been examined.
5. This Court has considered the rival submissions.
6. Admittedly the petitioner has a clean record and is not involved in any other case. The petitioner has been behind bars for a substantial period of about 2 years, 5 months and 19 days. Conclusion of trial is likely to consume time inasmuch only 2 PWs out of the cited 24 PWs have been examined so far.

The main accused Sumit has already been granted bail by this Court vide order dated 24.1.2024 passed in CRM-M-42721-2023.

7. Having regard to the aforestated facts and circumstances, the instant petition also merits acceptance and is hereby accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

1.3.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No