

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-745-2020 (O&M)

DATE OF DECISION: MAY 20, 2020

PARDEEP KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. JAGJIT GILL, ADVOCATE FOR THE PETITIONER.
MR. PARDEEP PARKASH CHAHAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

CRM-10903-2020

Learned counsel for the applicant-petitioner prays for preponement of the main case which is fixed for 27.7.2020, wherein prayer for regular bail pending trial has been made.

Notice of the application.

Mr. Pardeep Parkash Chahar, DAG, Haryana accepts notice on behalf of the State and does not oppose the prayer made in the application.

For the reasons mentioned in the application, the date of hearing is preponed to today.

Application stands disposed off.

CRM-M-745-2020

The petitioner has filed this petition for grant of regular bail in case FIR No.529 dated 3.10.2019 under Section 18 of NDPS Act, 1985, Police Station Sadar Hisar, District Hisar, pending trial. The petitioner is in

custody since his arrest on 3.10.2019.

According to the prosecution, a secret information was received by the police regarding involvement of the petitioner in narcotic substances and while acting upon the said information, the petitioner was apprehended with 1.500 kgs. of opium.

Learned counsel for the petitioner contends that the quantity recovered is non-commercial in nature and since the petitioner is not involved in any other case, therefore, his further custody may not be necessary. It is pointed out by him that the investigation of the case is complete and charges were framed on 24.1.2020. According to him, the trial would consume considerable time as the prosecution has not examined any witness.

On the other hand, learned State counsel on instructions from ASI Dinesh Kumar has opposed the prayer on the ground that the petitioner is resident of State of Jharkhand and therefore, there is every likelihood that he may abscond. It is not disputed that the quantity recovered is non-commercial and no witness has been examined so far. It is also not disputed that the petitioner is not involved in any other case.

After hearing learned counsel for the parties and considering the custody of the petitioner, this Court does not find any reason to further detain the petitioner behind the bars as the trial is likely to take considerable time to conclude, particularly in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

May 20, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No