

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.6096 of 2020

Date of Decision: May 27, 2020

Narender Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Harpreet Kaur Arora, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0005 dated 04.01.2020, under Section 22/61 NDPS Act, 1985, registered at Police Station, Babain, District Kurukshetra, pending trial. The petitioner is in custody since his arrest on 04.01.2020.

As per the prosecution, when the police party was on patrol duty and reached near Village Behlolpur, a secret information was received that Narinder Pal was involved in selling of intoxicating capsules. Believing the information to be trustworthy, a notice under Section 42 NDPS Act was sent to Bharat Bhushan DSP, Ladwa. Thereafter, ASI Neeraj started doing Nakabandi near Bus Stand of Village Ram Saran Majra. After some time, one vehicle was seen coming from the side of Village Babain, which was

stopped with the help of torch and during search of the vehicle, one paper box was recovered from underneath the driver seat and in the said box Tramadol was written on one side and on the other side, NP X Tramadol capsules IP Tramadol 50X10 capsules was written. On opening the said paper box, 32 strips were found and each strip was containing 10 tablets. In total, 320 tablets were recovered.

Learned counsel for the petitioner has contended that the total weight of the contraband is 102.4 grams and, therefore, it falls in the non-commercial category. He further submits that the investigation of the case is complete, and the trial is likely to consume considerable time to conclude, therefore, during the pendency of the trial, the petitioner be released on regular bail.

On the other hand, learned State counsel, who is assisted by ASI Neeraj Kumar, has not disputed this fact that the recovery made from the petitioner is non-commercial in nature. It is submitted that after completion of investigation, the challan has been presented and the case is now fixed for 04.07.2020, before the trial Court.

After hearing the learned counsel for the parties and considering the custody of the petitioner, this Court does not find any reason to decline the prayer, particularly when the petitioner is not involved in any other case of similar nature. Apart from it, the investigation of the case is over and the trial is likely to consume considerable time in view of the outbreak of global pandemic, namely, COVID-19 in the region, as State Government and District Administration have imposed various restrictions to curb its spread, therefore, further custody of petitioner may not be justified.

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

The petition is allowed.

May 27, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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