

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

Date of Decision: May 27, 2020

1. **CRM-M No.6157 of 2020 (O&M)**

Pardeep @ Lila

...Petitioner

Versus

State of Haryana

...Respondent

2. **CRM-M No.6206 of 2020 (O&M)**

Neeraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sumit Sangwan, Advocate,
for the petitioners in both the petitions.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

MANOJ BAJAJ, J.

The above two petitions have been filed by the co-accused separately for grant of regular bail in case FIR No.358 dated 24.09.2019, under Section 21 NDPS Act, registered at Police Station, Beri, District Jhajjar, pending trial. The petitioners were arrested on 24.09.2019 and are presently confined in judicial custody.

As per the prosecution, when the police party was on patrol duty, two persons were seen coming towards Rohtak Road, Beri, who on seeing the police party, took a sudden U-turn and started walking hastily. Upon suspicion, they were stopped, who disclosed their names as Pardeep and Neeraj. After complying the provisions of Section 50 NDPS Act, the

personal search of the persons was conducted and 12.35 grams smack was recovered from the right pocket of Pardeep, whereas 8.5 grams of smack was recovered from accused Neeraj.

Learned counsel for the petitioners has contended that the recovery made from the petitioners falls in the non-commercial category and the investigation of the case is complete. He submits that the trial is likely to consume considerable time to conclude, therefore, during the pendency of the trial, the petitioners be released on regular bail.

On the other hand, learned State counsel, who is assisted by ASI Rakesh, has not disputed this fact that the recovery made from the petitioner is non-commercial in nature. It is pointed out by him that the investigation of the case is complete and the charges have been framed by the trial Court on 03.03.2020. He submits that in all there are 12 witnesses, who are to be examined on behalf of the prosecution and the case is fixed for 03.06.2020 before the trial Court for the said purpose.

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 petitioners are not involved in any other case of similar nature. Apart from it, 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 petitioners may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular

bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Jhajjar.

The petition is allowed.

May 27, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No