

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7047-2020 (O&M)

DATE OF DECISION: MAY 14, 2020

AVTAR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MANVINDER SIDHU, ADVOCATE FOR THE PETITIONER.
MR. PARDEEP CHAHAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

CRM-10594-2020

Learned counsel for the applicant-petitioner prays for preponement of the main case which is fixed for 1.7.2020, wherein prayer for regular bail pending trial has been made.

Notice of the application.

Mr. Pardeep Chahar, AAG, 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-7047-2020

The petitioner has filed this petition for grant of regular bail in case FIR No.424 dated 24.11.2014 under Section 15/16/27-A, NDPS Act, 1985, Police Station Rania, District Sirsa, pending trial. The petitioner is in custody since his arrest on 13.1.2020.

As per the prosecution case, when the police party was on patrol duty, a vehicle Bolera Camper was seen coming from the side of Sant Nagar and when it was signalled to stop, the driver tried to turn it back. The said vehicle got imbalanced and stopped itself. According to the prosecution, only one person was arrested from the spot, whereas three persons managed to escape. After completion of formalities, search was conducted and 21 bags containing total 412 kgs. poppy husk were recovered. The accused arrested on the spot disclosed his name as Avtar @ Tari son of Jaswant Singh. He further disclosed the names of three persons who ran away from the spot, as Nikka, Sewa Singh and Avtar Singh s/o Darshan Singh. The other two co-accused persons, namely, Gagandeep @ Gaggi and Baba Khan @ Anwar Ali were indicted as accused on the ground the alleged contraband was purchased from accused Baba Khan, whereas the vehicle used in the crime was owned by Gagandeep Singh @ Gaggi. On these broad allegations, the above case was registered.

Learned counsel for the petitioner contends that accused Avtar Singh @ Tari who was arrested on the spot stands convicted alongwith co-accused Gagandeep Singh @ Gaggi. He has submitted that the petitioner was not arrested on the spot and the similarly situated co-accused, namely, Sewa Singh has already been acquitted by the trial Court vide its judgement dated 8.5.2019. According to him, the trial is likely to consume considerable time and further that the petitioner is not involved in any other similar case, therefore, further custody of the petitioner may not be justified.

The prayer is opposed by Mr. Pardeep Chahar, AAG, Haryana who is assisted by SI Jagdish Kumar on the ground that the quantity of

recovered contraband falls within the ambit of commercial quantity. It is pointed out that the petitioner was declared as Proclaimed Offender on 30.11.2015, who was arrested only in January, 2020. However, it is not disputed that the similarly situated co-accused has already been acquitted. He has apprised the Court that the charges were framed by the trial Court on 19.2.2020, however, out of the total 34 prosecution witnesses, no witness has been examined so far. He fairly states on instructions that the petitioner is not involved in any case of similar nature.

After hearing learned counsel for the parties and considering the above background, this Court does not find any reason to decline the prayer made by the petitioner, as the trial is likely to consume considerable time 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, therefore, further custody of the petitioner may not be justified, particularly when the co-accused of the petitioner stands acquitted by the trial Court.

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.

May 14, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No