

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-7621-2020****Date of decision-06.10.2020****Gurjeet Singh****....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Aditya Sanghi, Advocate for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

*********MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0233 dated 28.06.2019 registered under Section 22 (C) Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Rania, District Sirsa, Haryana. The petitioner is in custody since his arrest on 28.06.2019.

As per the prosecution case, on 28.06.2019, when Police officials were present at village Jiwan Nagar in connection with patrol duty, two boys were seen coming on a motorcycle bearing No.RJ-31-SN-6219. On seeing the police, they tried to run away and a bag which was kept between them, fell down. Thereafter, driver and pillion rider, both were apprehended. Upon search, a bag containing 780 capsules of Parvorin-Spas Tramadol was recovered.

Learned counsel for the petitioner contends that as per prosecution itself, the petitioner was driving the motorcycle and his co-accused, namely, Sony @ Sonu was the pillion rider. It is submitted that the alleged contraband was lying in between them and therefore, it is seriously debatable if the said contraband was in conscious possession of the petitioner. He has submitted that the investigation of the case is complete

and the charges have also been framed on 27.02.2020. However, no prosecution witness has been examined so far. He submits that vide order dated 05.09.2019 (Annexure P-3) co-accused, namely, Raju Singh has been released on regular bail by this Court. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Jagdish Raj has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity and case of the petitioner is distinguishable from the co-accused-Raju Singh, therefore, the petitioner does not deserve the concession. However, it is not disputed by the learned State counsel that the petitioner is not involved in any other case of the similar nature and no witness has been examined so far.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer, particularly, when investigation of the case is complete and the trial is likely to take considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19. The petitioner after his arrest on 28.06.2019 is presently confined in judicial custody, therefore, his further detention behind the bars 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 concerned.

The petition is allowed.