

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

122

**CRM-M-9393 of 2020 (O&M)
Date of Decision: 09.06.2020**

Ujjwal Walia

.... **Petitioner**

Versus

State of Haryana

.... **Respondent**

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Vikas Malik, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

CRM-12748-2020

This is an application for preponing the date of hearing of the main case, which is already fixed for 07.07.2020.

Notice of the application.

At the asking of Court, Mr. Saurabh Mohunta, DAG, Haryana, accepts notice of the application and made no objection in case application is allowed.

Heard.

In view of grounds mentioned in the application, hearing of

the main petition is preponed and the main case taken on Board for today itself.

CRM-M-9393 of 2020

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Ujjwal Walia** in case F.I.R. No.338 dated 15.10.2019 under Section 20 of NDPS Act, 1985, registered at Police Station Murthal, District Sonipat.

Learned counsel for the petitioner contends that petitioner has no nexus whatsoever with the alleged offence. He further urges that mandatory provisions of the NDPS Act have not been complied with by the Investigating Agency. He further urges that despite having ample opportunity no effort was made to join independent witness and as such prosecution version appears to be doubtful. He further submits that even otherwise alleged recovery of 920 grams of Charas falls in non-commercial quantity. He further submits that petitioner is in custody since 15.10.2019 and he is no more required by the Police for any investigation purpose. He further urges that challan has already been presented in Court and since consequent trial would take sufficient time to conclude, thus, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

CRM-M-9393 of 2020 :3:

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 15.10.2019; that petitioner is no more required by the Investigating Agency for investigation purpose and since consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Ujjwal Walia** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Sonipat, as the case may be. However, petitioner has been given liberty to defer the furnishing of surety bond due to COVID-19 but he is directed to furnish the surety bond to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Sonipat, as the case may be, on culmination of nationwide lockdown due to COVID-19.

(LALIT BATRA)
JUDGE

09.06.2020

rimpal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No