

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

207 (PROCEEDINGS THROUGH V.C.)

CRM-M-10913-2020

DATE OF DECISION: JUNE 05, 2020

Roshan Lal

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. R. A. Sheoran, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned counsel for the petitioner very fairly states that because of the wrong information provided to him, he has incorrectly informed the Court on 28.05.2020 with regard to other cases, which were registered against the petitioner. He submits that in the FIR registered against him under Sections 307/34 IPC and under Section 25 of the Arms Act, 1959, although the conviction was sustained but the sentence was reduced to the period already undergone. In the case under the NDPS Act, petitioner was convicted and his appeal is pending before this Court, where the sentence stands suspended. Counsel contends that now the recovery,

which has been effected from the petitioner in the present case, is 90 grams of opium, which, according to his own confession, as had been given to the police, was for his personal consumption and a part of it for sale. He submits that the petitioner is in custody since 30.12.2019. Though challan has been presented but the charge has not yet been framed because of the prevailing pandemic. He contends that trial is not likely to conclude in near future and, therefore, the petitioner be granted the concession of bail.

Counsel for the State, on the other hand, contends that the petitioner is a habitual offender and also a convict. He, however, could not dispute the fact that charge has not been framed. He also informed the Court that now the case is fixed for 24.07.2020 for framing of charge. He, therefore, prays that concession of bail be not granted to the petitioner.

Having heard the counsel for the parties and keeping in view the fact that recovery, which has been effected from him, is 90 grams of opium, with the trial not likely to conclude in near future and the petitioner being in custody for more than five months, the present petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Sonapat.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner and if any, the same is for the purpose of disposal of the present petition alone.

June 05, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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