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

CRM-M-15279-2020

Date of decision-31.07.2020

Sonu Singh @ Sonu

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.S.Brar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, 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.0452 dated 02.11.2018 registered under Section 21-B of The Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Mandi, District Sirsa. The petitioner is in custody since his arrest on 08.12.2018.

As per the prosecution case, on 02.11.2018, when the Police party was on patrol duty under the over bridge near Sukhdev Singh Hospital, Malout Road, Dabwali, then two boys riding on motorcycle (without number plate), were seen coming and the vehicle was signalled to stop. The pillion rider of the motorcycle (petitioner) was holding a white colour polythene.

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On seeing the police, they tried to run away, however, the pillion rider fell down and apprehended whereas the driver of the vehicle managed to escape. Upon search, total 1200 tablets of Tramadol (weighing 452 grams) were recovered from pillion rider i.e. Jawala Parshad (petitioner).

Learned counsel for the petitioner contends that despite framing of charges on 30.06.2019, no prosecution witness has been examined so far and the trial is not making any headway therefore, it will take considerable time to conclude. It is pointed out that co-accused of the petitioner, namely, Jawala Parshad has already been released on regular bail vide order dated 12.02.2020 passed in CRM-M-50814-2019 (Annexure P-2). He prays that the petitioner be released on regular bail during the pendency of the trial.

Learned State counsel assisted by SI Krishan Kumar opposed the prayer on the ground that the pillion rider was holding the polythene bag containing the contraband on the asking of the petitioner, who was driving the motorcycle. He submits that though the petitioner is not involved in any other case of the similar nature but considering the recovery which falls in commercial quantity, he does not deserve the concession of regular bail. However, it is not disputed that no prosecution witness has been examined.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner particularly when the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after his arrest on 08.12.2018 is

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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.

31.07.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No