

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14296-2020

DATE OF DECISION: JUNE 23, 2020

PARMOD KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AMIT GOYAL, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Parmod Kumar has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.143 dated 23.3.2020 under Section 22 of NDPS Act, 1985, Police Station Rania, District Sirsa, pending trial. The petitioner is in custody since his arrest on 25.3.2020.

The contents of the above FIR as noticed by the Addl. Sessions Judge, Sirsa in his order dated 11.5.2020, reads as under:-

“The brief facts of the case which are essential to adjudicate the present application are that on 23.3.2020 a patrolling party headed by ASI Suresh Kumar has apprehended co-accused Sandeep alongwith 910 prohibited intoxicant capsules weighing 571 grams in the area of P.S. Rania. After accomplishing the formalities, police got registered the present FIR.

On interrogation, the suffered disclosure statement to the effect that he had purchased the recovered contraband from the

applicant/accused Parmod Kumar.”

Learned counsel for the petitioner contends that the alleged contraband was recovered from the conscious possession of main accused Sandeep Kumar and on his disclosure statement the petitioner was indicted as an accused in this case. It is pointed out that similarly situated accused, namely, Sahil Kumar was extended the benefit of interim anticipatory bail by this Court vide order dated 20.5.2020, passed in CRM-M-12575-2020. He submits that the case of the prosecution against the petitioner is comparatively on weak foundation and therefore, his further custody may not be necessary. It is prayed that the petitioner be released on regular bail.

On the other hand, learned counsel for the State assisted by ASI Jagpal does not dispute this fact that the petitioner was arraigned as an accused on the basis of disclosure statement suffered by accused Sandeep Kumar. It is pointed out by him that originally the contraband was delivered by Sahil Kumar to the petitioner (Parmod Kumar) who further delivered it to Sandeep Kumar. It is also not disputed that the investigation of the case is complete and petitioner is confined in judicial custody.

Considering the above background, the custody of the petitioner and the fact that 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. 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.

June 23, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No