

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15577-2020

Date of Decision: July 21, 2020

Ishrar

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anuj Arya, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.220 dated 30.10.2019, under Section 20 NDPS Act, 1985, registered at Police Station, Sector 13-17, District Panipat. The petitioner is in custody since his arrest on 30.10.2019.

As per the allegations in the FIR, a tip was received by the police with regard to the fact that two persons were carrying large amount of Ganja Patti in Santro Car and were going to U.P. via Sector 18, Panipat. Barricades were laid near Nizampur Bridge, where a car was seen coming from G.T.road. The car was stopped, which was occupied by two persons, who on enquiry, disclosed their names as Mani Ram and Ishrar. The bag lying in the vehicle was searched and 58 Kgs. 200 grams of Ganja Patti was recovered. On these allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the alleged recovery of 58 Kgs. 200 grams of Ganja Patti was made from the vehicle which was owned by one Parvesh Kumar and the petitioner has been falsely shown as a driver of the vehicle. It is contended that the alleged recovery was effected around 10.30 PM and the documentation done at the time of recovery not only contains the FIR number, but the said documents were printed at the spot as well. According to him, the investigation of the case is complete. However, till date, the charges have not been framed. He submits that the trial is likely to consume considerable time, therefore, the petitioner be released on regular bail pending trial, particularly when he is not involved in any other similar case.

On the other hand, learned State counsel assisted by ASI Balwan has opposed the prayer on the ground that the recovered contraband falls in commercial category and the final report was filed on 03.01.2020. He submits that because of the ongoing pandemic, the charges have not been framed and the case is now fixed for 17.08.2020. It is not disputed by him that there is no other case against the petitioner of similar nature.

After hearing the learned counsel for the parties, 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, this Court finds no ground to decline the prayer for bail. The petitioner, after his arrest on 30.10.2019, 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, Panipat.

The petition is allowed.

July 21, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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