

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

**CRM-M No.15042 of 2020 (O&M)
Decided on: 20.07.2020**

Sunny

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Mamli, Advocate
for the petitioner (through video conferencing)

Ms. Tanushree Gupta, DAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0027 dated 12.03.2020, for offence punishable under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Bhattu Kalan, District Fatehabad.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party apprehended the petitioner on suspicion and after giving a notice called a Gazetted Officer at the spot and recovered 25 gms. of Heroin. It is further submitted that the recovery is of non-commercial quantity and the petitioner is in custody since 12.03.2020. It is also submitted that one day after registration of the present FIR, the petitioner was involved in one more FIR No.133 on the basis of the disclosure statement of the co-accused, however, nothing was recovered in pursuance thereof and in one FIR No.192, the

petitioner is on bail. Lastly, it is submitted that challan stands presented on 08.05.2020 and the petitioner is no more required for any further investigation.

Counsel for the State, on telephonic instructions from the Investigating Officer, has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner may misuse the concession of bail.

After hearing the counsel for the parties, considering the present situation due to COVID-19 pandemic and also in view of the fact that the recovery is of non-commercial quantity; challan stands presented; the petitioner is no more required for any further investigation and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner. It is also made clear that in case, the petitioner is found involved in any other subsequent case under the NDPS Act, his regular bail will be cancelled automatically.

20.07.2020
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(ARVIND SINGH SANGWAN)
JUDGE

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