

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

**CRM-M-15528-2020
Decided on : 02.07.2020**

Pritam @ Gurmail Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. D.S. Virk, Advocate
for the petitioner(s).

Mr. Kuldeep Tiwari, Addl. AG, Haryana
assisted by ASI Ishwar Singh.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 364, dated 01.12.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), registered at Police Station Sadar Dabwali, District Sirsa.

Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in the instant case. Further contends that the false implication of the petitioner is evident from that fact that the petitioner was implicated in the instant case only on the basis of the disclosure statement made by the co-accused before the police and that there is no evidence on record to connect the petitioner with the offence in question. The co-accused from whom the alleged recovery of contraband is shown to have been made, has already been granted the concession of regular bail by this Court vide order dated 02.06.2020 (Annexure P-2).

Learned counsel for the petitioner further submits that the petitioner has been in custody since 02.12.2019. The challan was filed on 29th

January, 2020 and no prosecution witnesses have been examined as yet. Thus, the trial is unlikely to conclude in the near future.

Learned State counsel on instructions from ASI Ishwar Singh, submits that no doubt the challan was on 29th January, 2020, however, the prosecution evidence has not yet commenced due to the outbreak of pandemic COVID-19. He has, however, not been able to controvert the fact that the name of the petitioner figured only in the disclosure statement of the co-accused Pradman Singh alias Daman, from whose possession recovery of 390 intoxicant tablets weighing 249.26 grams, was effected, which comes under the category of non-commercial quantity.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been behind bars since 02nd December, 2019, no useful purpose would be served in keeping the petitioner behind bars, as the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19. Accordingly, I deem it a fit case for grant of the concession of regular bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 02, 2020

J.Ram

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