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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision-25.08.2020

1. CRM-M-16268-2020

Sonu and another

...Petitioners

Vs.

State of Haryana

...Respondent

2. CRM-M-20142-2020

Sonu

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioners had jointly filed above mentioned CRM-M-16268 of 2020 for grant of regular bail under Section 439 Cr.P.C in case FIR No.272 dated 07.08.2018 registered under Sections 22 and 61 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Rania, District Sirsa. Petitioners are in custody since their arrest on 10.10.2019.

Learned counsel for the petitioners has apprised the Court that vide order dated 25.06.2020, petition for grant of regular bail qua petitioner No.1 was not pressed as he had not approached the Court of Sessions before filing the petition before this Court, however, the petition was kept alive for

of petitioner No.1-Sonu was dismissed by learned Additional Sessions Judge, Sirsa vide order dated 03.12.2019 and he has again filed separate petition bearing No. CRM-M-20142-2020 for grant of regular bail.

As per the prosecution case, on 07.08.2018, when the Police party was on patrol duty, at village Kaluana to Bachar, one car was seen and on suspicion, the vehicle was signalled to stop. On seeing the police, they tried to run away and four persons from the said car managed to escape. However, one person, namely, Pritam who was sitting at the back seat was apprehended. Upon search, 2900 capsules and tablets containing Tramadol Parvoinspax Ridley and Tramadol Trio-SR were recovered from the compartment of the car.

Learned counsel for the petitioners contends that the vehicle in question from where the alleged contraband was recovered belonged to one co-accused-Manish and petitioners were allegedly travelling with him along with other co-accused persons. It is pointed out that the petitioners were granted the concession of interim regular bail vide order dated 09.01.2019 as the FSL report was awaited and the said concession was never misused by them till 10.10.2019, when the petitioners surrendered before the trial Court upon filing of the said report. He has further pointed out that the co-accused, namely, Pritam Singh has already been released on bail by this Court vide order dated 30.01.2020 (Annexure P-6). He has prayed that the investigation of the case is complete and only 02 prosecution witness has been examined so far out of total 13 witnesses, therefore, further custody of the petitioners may not be necessary, particularly when they are not involved in any other similar case. He has prayed for grant of regular bail during the pendency of the trial.

Rai has opposed the prayer on the ground that the petitioners were aware of the contraband and therefore, ran away from the spot. He submits that case of the petitioners is distinguishable from the co-accused-Pritam Singh. Learned State counsel has not disputed this fact that petitioners never misused the concession of interim bail granted by this Court.

Considering the above background and custody of the petitioners, this Court does not find any reason to decline the prayer, particularly when the trial is likely to take considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19. The petitioners after their arrest on 10.10.2019 are presently confined in judicial custody, therefore, their 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 petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petitions are allowed.

(MANOJ BAJAJ)
JUDGE

25.08.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No