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

CRM-M-17304 of 2020 (O&M)

Date of decision: July 20, 2020

Satish @ Kala and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Chand Ram Olla, Advocate for the petitioners.

Mr. Pardeep Prakash Chahar, DAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioners, in FIR No.480 dated 12.11.2019, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Sections 61/85 of NDPS Act added lateron), registered at Police Station Azad Nagar, Hisar.

As per prosecution case, on 12.11.2019, 5 bags each containing 20 kgs., total 100 kg. popy-husk were recovered from co-accused, namely, Sanjay without any permit or licence.

Contends that petitioners are in custody since 13.11.2019, after investigation in the matter, challan was presented on 06.01.2020 and charges have been framed on 27.02.2020. Also contends that co-accused of the petitioners, namely Kapil and Narayan & another have already been granted concession of bail pending trial by this Court, on 13.05.2020 in CRM-M-12233 of 2020 and on 19.06.2020 in CRM-M-14048 of 2020, respectively; and case of the petitioners is also on similar footing. Further

contends that there is no other criminal case pending against the petitioners. It is also the contention that petitioners were not named in the FIR rather, nominated on the disclosure of above Sanjay, from whom 100 kg. of poppy-husk was recovered.

The above factual position is duly acknowledged by the learned State counsel, on instructions from police official.

Heard both sides and perused the paper-book.

Concededly, co-accused, similarly situated with the petitioners have already been granted bail pending trial by coordinate Bench vide orders dated 13.05.2020 & 19.06.2020. Out of total 16 prosecution witnesses, none has been examined till date. Since the trial is likely to take sufficient long time in the present scenario of Covid-19, thus, further incarceration of the petitioners would not serve any purpose.

In view of the above, this petition is allowed. Petitioners are ordered to be released on bail, in this case, on their furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

Petitioners shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 20, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No