

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 16888-2020 (O&M)

Date of decision : July 24, 2020

Mukesh

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Amit Choudhary, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No. 166 dated 03.05.2020 under Section 188 IPC and under Section 21 (b) Narcotic Drugs and Psychotropic Substances Act registered at Police Station Adampur, District Hisar.

It is submitted that the petitioner has falsely implicated in this case mainly because he is already facing proceeding in another FIR 76 of 2015. Learned counsel further submits that even as per the prosecution case, 150 gms of heroine was recovered from the pocket of the co-accused Ajay. No recovery has been effected from present petitioner. There is no evidence on record to indicate it that the petitioner was even aware of the co-accused carrying the contraband. Final report under Section 173 Cr.P.C. stands presented. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions from SI Radha Krishan, verifies that final report under Section 173 Cr.P.C./challan stands presented on

15.06.2020 and recovery of 150 gms of heroine was effected from the pocket of the co-accused. The petitioner is informed to be on bail in FIR 76 of 2015. Due to outbreak of the pandemic, COVID-19, not much progress is being made towards the conclusion of the trial.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/concerned Duty Magistrate.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

July 24, 2020
rts

(Lisa Gill)
Judge

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