

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

**CRM-M-17716 of 2020 (O&M)
DATE OF DECISION : 18.08.2020**

Vikram @ Bikram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Aditya Sanghi, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG Haryana
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 102 dated 28.03.2020, registered under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 and under Sections 188, 269, 270 and 271 IPC, Police Station Nangal Chaudhary, District Mahendergarh.

2. Per FIR, on 28.03.2020, while on duty during lockdown, an information was received by the police about selling of narcotic substance by the petitioner. Basis thereof, a raid was conducted at the grocery shop of the petitioner. During search 2 Kgs 185 grams "Ganja" was recovered from the shop. Other provisions of Indian Penal Code were invoked as the petitioner violated the lockdown orders and permitted gathering of 6-7 customers outside his shop, who fled away on seeing the police party. Petitioner was arrested and his disclosure statement was recorded.

3. Learned counsel submits that the petitioner is in custody since 28.03.2020. According to him, the quantity falls within the definition of "non-commercial" quantity. He further submits that investigation is over, challan has been filed, but there is no headway in the trial. Especially in the pandemic

scenario, there is no likelihood of trial being concluded in time. He relies on order dated 17.02.2017 passed by Coordinate Bench of this Court in CRM-M-1690 of 2017(Ajay Vs. State of Haryana) to contend that in somewhat similar circumstances, the petitioner/ accused therein was granted the benefit of regular bail.

4. On the other hand, learned State counsel opposes the bail plea. He submits that one more case of similar nature is pending against the petitioner. On a query of the Court, he admits that investigation is over and challan has been presented. He does not dispute that the petitioner is in custody since 28.03.2020, the recovery is non-commercial and that there is not much progress in the trial.

5. The petitioner is in custody almost for the past four months. There is no headway in the trial and is not likely to commence or conclude anytime soon due to covid-19 pandemic. Courts are currently working with restrictions and taking up only urgent matters. Qua the other case, it has been stated by learned counsel for the petitioner that he is on bail in that case and the allegations of prosecution are still to pass the judicial scrutiny. Considering the overall scenario, without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

August 18th 2020
Jiten

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