

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

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CRM-M-18038-2020

Date of Decision: 19.08.2020.

Juksin @ Juskin @ Ekene

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Navneet Jindal, Advocate for the petitioner.

Mr. Dhruv Sheoran, Deputy Advocate General, Haryana.

Suvir Sehgal, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Present petition under Section 439 Cr.P.C. filed by the petitioner for grant of regular bail in case FIR No.435 dated 13.12.2019, under Section 21 of the NDPS Act 185, registered at Police Station Civil Lines, District Sirsa.

Counsel for the petitioner has contended that the petitioner was arrested in FIR No.428 dated 09.12.2019, under Section 21/16/85 of the NDPS Act, on the basis of the disclosure statement of Abhishek @ Abhi. Counsel submits that the present FIR was registered on the basis of disclosure statement of the petitioner recorded in the said FIR, which is inadmissible in evidence. Recovery of 101 grams of heroine was effected from a park near the bus stand. Counsel further submits that the challan in the present case has already been filed and the trial is now fixed for

28.01.2021 for framing of charges. Counsel for the petitioner has argued that in FIR No.428 dated 09.12.2019, the petitioner has already been enlarged on default bail vide order dated 13.03.2020 by learned Additional Sessions Judge, Sirsa.

Custody certificate dated 18.08.2020 filed by State counsel is taken on record.

State counsel, on instructions from SI Rampal, has opposed the bail petition on the ground that the petitioner is involved in another FIR under the NDPS Act. He submits that the petitioner is named as the supplier of the contraband in both the FIRs. As per his instruction, the challan was filed on 13.02.2020 and 14 prosecution witnesses have been named but the charges are yet to be framed.

I have considered the rival submissions of the parties.

Considering the period of incarceration of the petitioner and also the fact that the trial of the case is likely to take time due to outbreak of Covid-19 pandemic, the petitioner is ordered to be enlarged on regular bail subject to furnishing bail bonds/ heavy surety bonds to the satisfaction of the trial Court and he will surrender his passport before the trial Court. It is open to the trial Court to impose any other condition it may deem appropriate considering the fact that the petitioner is a foreign national.

19.08.2020*komal***(SUVIR SEHGAL)
JUDGE**

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