

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. **CRM-M-18539-2020**

DATE OF DECISION: SEPTEMBER 7, 2020

JOSHI BRAVEN ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

2. **CRM-M-18202-2020**

BELLO SAGE ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. GARIMA SHARMA, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioners Joshi Braven and Bello Sage have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.556 dated 21.8.2019, under Sections 21(c), 27(a) of NDPS Act, Section 14(a)(b) of Foreign Act and Section 12(c) of the Passport Act, 1976, Police Station Hansi City, District Hisar. The petitioners are in custody since their arrest on 19.8.2020.

As per the allegations in the FIR, on 21.08.2019 when the police party was on patrol duty, a secret information was received that a Nigerian person, namely, Usuah Godfrey Emeca who is engaged in selling heroin, would be going to supply the same to two boys, namely, Kunal @

Monty and Ishan @ Ishu and if a raid is conducted, all the accused persons can be apprehended. Acting upon the said information, recovery of 300 grams heroin (100 gram each) was effected.

Learned counsel for the petitioners contends that the alleged contraband was recovered from three co-accused, namely, Ishan, Kunal and Usuah Godfrey Emeca. According to her, no recovery was effected from the petitioners who were indicted as accused on the basis of disclosure statement suffered by the co-accused. She has submitted that the investigation of the case is complete and therefore, further custody of the petitioners may not be necessary. She submits that the trial of the case is likely to consume considerable time. She prays that the petitioners be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Surender has opposed the aforesaid prayer. However, it is not disputed that the petitioners were neither present at the spot nor any recovery was effected from them.

After hearing the learned counsel for the parties, this Court is of the opinion that the investigation of the case is complete, but trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, and therefore, further custody of the petitioners may not be justified. The petitioners are presently confined in judicial custody and are not required for any useful purpose.

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 their respective case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petitions are allowed.

September 7, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No