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

CRM-M-18633-2020 (O&M)

Date of decision-31.07.2020

Azad

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Bishnoi, Advocate for the applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.208 dated 07.07.2018 registered under Sections 15 (C) and 27-A of The Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bhuna, District Fatehabad. The petitioner is in custody since his arrest on 17.02.2020.

As per the prosecution case, on 06.07.2018, when the Police party was present near crossing of village Saniyana at Bhuna Uklana Road, in connection with patrol duty, a canter bearing No.HR-39-B-6063 was stopped by them on suspicion. On seeing the police, driver of the vehicle

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tried to turn back, however, driver, namely, Dharampal along with co-accused-Sunil, Sunder and Ramesh were apprehended. Upon search, 240 kilograms of poppy husk was recovered from the vehicle.

Learned counsel for the petitioner contends that the alleged contraband (240 kilograms of poppy-husk) was recovered from the vehicle bearing No.HR-39-B-6063 and four persons, namely, Ramesh, Dharampal, Sunil and Sunder were apprehended. Learned counsel contends that on their disclosure, the petitioner along with Suresh and Durga was indicted as co-accused on the ground that the said contraband was sent by petitioner and Suresh from Rajasthan to their co-accused Durga, who further delivered it to the persons from whom it was recovered. Learned counsel submits that the case of the prosecution qua petitioner is comparatively on a weak foundation and as the investigation of the case is complete, therefore, further custody of the petitioner would not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

Learned State counsel assisted by SI Kashmir Singh while opposing the prayer of the petitioner has contended that petitioner was previously declared as proclaimed offender and has been recently arrested on 17.02.2020, however, it is not disputed by him that the petitioner was made an accused on the basis of statement given by the accused arrested on the spot. On instructions, he fairly states that the petitioner is not involved in any other case much less of the similar nature.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner particularly when the

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trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after his arrest on 17.02.2020 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

31.07.2020

vanita

(MANOJ BAJAJ)
JUDGE

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