

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18652-2020 (O&M)

DATE OF DECISION: JULY 31, 2020

SONU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SIMRANJEET SINGH, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Sonu has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.141 dated 23.4.2020, under Section 51(b) of Disaster Management Act, 2005, Section 188/269 IPC and Section 21(b) of NDPS Act, 1985. The petitioner is in custody since his arrest on 23.4.2020.

It has been alleged in the FIR that on 23.4.2020, when a police party was holding a Naka near Dhani Nanakpura Dhager on NP-9 road for checking of intoxicant material and vehicles, two boys were seen coming on Motorcycle from Hisar side and on seeing the police party, they stopped the motorcycle and tried to take U-turn. They were apprehended by chasing their vehicle. They disclosed their names as Saurabh and Sonu. On search, heroin was recovered from Sonu which on weighment was found to be 14.30 gms. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the investigation of the case is complete and considering the recovery of 14.30

gms of heroin, further custody of the petitioner may not be necessary as the trial is likely to consume considerable time. He prays that the petitioner be released on regular bail during the pendency of the trial.

Learned State counsel on the other hand has not disputed this fact that the recovered contraband is non-commercial in nature and the final report of the case has been filed on 23.6.2020. On instructions from ASI Virender Singh, learned State counsel submits that the petitioner is not involved in any other case, however, there are two cases pending against him under the Excise Act wherein he is on bail.

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, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose. 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 concerned.

The petition is allowed.

July 31, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No