

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

CRM-M-18742 of 2020

Date of Decision:-31.07.2020

Raju Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. K.L. Saini, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

JASGURPREET SINGH PURI J.(Oral)

Petitioner-Raju Kumar has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 60 dated 04.04.2020, under Sections 22-C and 27-A of NDPS Act, registered at Police Station City Narwana, District Jind.

Learned counsel for the petitioner has argued that in the present case the petitioner was wrongly roped in and that even as per the allegations against the petitioner, the alleged recovery made from him was 82.6 grams of Tramadol. He has further submitted that equal quantity was recovered from co-accused and that even considering the total quantity from both the accused, still the alleged recovery would be of non-commercial quantity. He has further submitted that the investigation in the case has already been

completed and challan was presented on 30.04.2020. He has further submitted that the charges before the trial Court are yet to be framed and due to the present on-going Covid-19 epidemic, further procedure of the trial is likely to take some time. He has further submitted that there is no other case pending against the petitioner and he is in custody since 04.04.2020.

Learned State counsel on instructions from ASI Bhim Singh has submitted that it is correct that the investigation in the present case is already complete and challan was filed on 30.04.2020 after the petitioner was arrested on 04.04.2020. He has also fairly submitted that the alleged recovery effected from the petitioner is of non-commercial quantity and it is also correct that before the trial Court the case has been fixed for framing of charges and on instructions also submits that there is no other case pending against the petitioner.

I have heard learned counsel for the parties through video conferencing.

In the present case, admittedly the investigation is already complete and challan was presented on 30.04.2020 and after that the charges have not been framed so far. It is a case where alleged recovery effected from the petitioner was of non-commercial quantity and that the learned State counsel on instructions also stated that there is no other case pending against the petitioner.

Therefore, considering the totality of circumstances of the case, I deem it fit and appropriate to admit the petitioner on bail. Resultantly, the present petition is allowed. It is ordered that the petitioner shall be released

on regular bail on his furnishing bail bond/surety to the satisfaction of the learned trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

July 31, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

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