

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-19935-2020 (O&M)
DATE OF DECISION : 14.08.2020**

Sanjay**...Petitioner****Versus****State of Haryana****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

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

Mr. Vikrant Pamboo, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

While going through the previous order dated 23.07.2020 passed in this case by this Court, it has come to my knowledge that inadvertently in Ist paragraph, FIR and other details have been incorporated of some other case. The same is hereby corrected to the extent that this is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.521 dated 04.12.2019, under Section 21 b of the NDPS Act, registered at Police Station City Kaithal, District Kaithal, Haryana.

2. Registry is directed to carry out the necessary correction.

3. Allegations per FIR are that upon secret information, the petitioner was apprehended by the police officials while on patrolling duty and from his personal search, heroin containing 15 grams including the weight of polythene was recovered.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He further submits that alleged recovery is non-commercial in nature. Even as per the FIR, the alleged material was 15

grams of Heroin/Chitta along with weight of the Polythene bag. As per the NDPS Act, the small quantity is 5 grams and commercial quantity is 250 grams.

5. He further submits that petitioner is the sole breadwinner of his family and has two minor children. He submits that investigation is complete and challan has already been presented. Petitioner is in custody since 04.12.2019.

6. Notice of motion.

7. Mr. Vikrant Pamboo, DAG, Haryana who has joined the proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Haryana.

8. On a query of the Court, learned State counsel does not controvert the fact that investigation is over and challan has been presented.

9. I have heard learned counsel for the petitioner, as well as learned State counsel.

10. The petitioner being sole bread winner of his minor children, the entire family is living in penury and starvation. Petitioner has been confined in custody since 04.12.2019. He is not required for any further custodial interrogation.

11. In the aforesaid premise, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is over and challan has already been filed. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions caused by Covid-19.

12. In the circumstances, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaq Magistrate/Duty Magistrate.

(ARUN MONGA)
JUDGE

August 14th 2020
vandana

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No