

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.21222 of 2020
Date of Decision: July 31, 2020

Daljit Singh @ Banti

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Siwach, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.27 dated 29.01.2019, under Section 22 (C) NDPS Act, 1985, registered at Police Station, City Ratia, District Fatehabad. The petitioner is in custody since his arrest on 29.01.2019.

As per the allegations in the FIR, on 29.01.2019, police party headed by SI Virender Singh was going from Ratia town towards village Rattangarh in connection with patrolling and when they reached at T-point Mehmada Road, Ratia, a young boy was seen coming, who on seeing the red light of the police vehicle, turned around and started walking briskly. On suspicion, he was apprehended. On enquiry, he disclosed his name as

Daljit Singh alias Bunt. His personal search was conducted and a black

colour polythene containing 75 strips of Tramadol Hydrochloride tablets 100 MG TRIO-SR weighing 450 grams were recovered from his possession. On these broad allegations, above FIR was registered.

Learned counsel for the petitioner contends that the charges were framed on 01.08.2019 and only two witnesses have been examined so far by the prosecution. According to him, the trial is likely to consume considerable time, particularly in the prevailing condition as there is outbreak of pandemic, namely, COVID-19 and, therefore, further custody of the petitioner may not be necessary. He prays for grant of bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Krishan Kumar has opposed the prayer on the ground that the recovered contraband, i.e., 750 tablets of Tramadol Hydrochloride would fall in the category of commercial quantity. It is not disputed that four witnesses have been examined by the prosecution out of total seventeen witnesses. He submits that the petitioner is involved in another case under Excise Act and is on bail.

Considering the above, custody of the petitioner and the fact that the trial 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, this Court does not find any reason to decline the prayer. The petitioner, after his arrest on 29.01.2019, 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 petitioners 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, Fatehabad.

The petition is allowed.

July 31, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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