

CRM-M-23245-2020

Date of decision: 21.08.2020

Sandeep

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Parminder Walia, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent-State.

Mr. B.S. Virk, DAG, Haryana puts in appearance and accepts notice on behalf of the official respondent-State. Copy supplied during the course of the day.

The allegations against the petitioner/accused-Sandeep, in this first regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.83 dated 25.05.2020 under Section 15 of the Narcotic Drugs and Psychotropic Substance Act, 1985 registered at Police Station Sector 20, Panchkula, are as follows:-

On the basis of secret information by the police, the

accused/petitioner and his co-accused/non-applicant-Bhola Ram, were apprehended while coming on truck bearing No. HP-12-K-3074 and on search of the truck, poppy husk, weighing 340 grams, were recovered.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars for more than 03 months and the alleged recovery is only non-commercial.

The learned State counsel though does not dispute the facts but has strongly opposed the grant of bail on the grounds of heinousness of the offence.

Going through the submissions, admittedly, non-commercial quantity of contraband of poppy husk has been got recovered from the petitioner and the petitioner is behind the bars for 03 months, as the State, in such a situation of pandemic, needs to decongest its jails.

In light of the same, without feeling necessity to further advert on to the merits of the case and the fact that trial is not likely to be concluded in the near future and in view of the present COVID-19 pandemic situation, impels this Court to allow the present petition.

In light of the same, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Culpability, if any, shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate

concerned.

The petition stands disposed off accordingly.

21.08.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No