

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 23876 of 2020 (O&M)

Date of decision : 25.8.2020

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Ashok Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

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

Mr. Tanuj Sharma, Deputy Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner – Ashok Kumar, aged 35 years, an accused in FIR No. 272 dated 3.10.2019, for offences under Sections 20(b), 27-A of NDPS Act, registered at Police Station City Ratia, Tehsil Tohana, District Fatehabad (Haryana). The first similar petition filed by him bearing CRM-M-8046 of 2020 (O&M), had been dismissed by this Court vide order dated 3.3.2020.

In nutshell, the prosecution story is that on 03.10.2019 in the area of New Bus Stand, Ratia, accused/petitioner Ashok Kumar was apprehended by the police party led by ASI Rameshwar Dass and he was found in possession of 2 kgs 200 gms of ganja. The accused

was arrested in this case. The recovered contraband was also seized.

After completion of investigation, accused was challaned.

The first petition for bail moved by the petitioner was dismissed with following observations :-

“ Though the quantity of contraband stated to have been recovered from the possession of the accused as per prosecution story is not on very high side but then he is said to be involved in 04 other cases under the Act; that means that he is a drug peddler and if he released on bail, there is every chance of his taking to drug trafficking and treading the path of crime. Out of 04 cases registered against the petitioner, 02 cases are stated to be pending trial. Therefore, it is not found proper and appropriate to grant the benefit of regular bail to the petitioner. His request in that regard stands declined and the petition is dismissed accordingly.”

There is no change in circumstances since dismissal of the first petition, except for the reason that proceedings in the trial Court are statedly held up on account of outbreak of Covid pandemic. This disease is a world wide phenomenon, affecting crores of persons, resulting in casualties running into lakhs. Normal life has been greatly affected on account of this virus. The judicial functioning is no exception. However, hopefully things would improve in near future. On account of delay in conclusion of trial, due to Covid-19, no case for grant of regular bail to the petitioner is made out,

especially in view of the observations made in order dated 3.3.2020,
passed while disposing of CRM-M-8046-2020 (O&M).

Finding no merit in the petition, the same stands dismissed.

25.8.2020
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(H.S. Madaan)
Judge

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