

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

CRM-M-23898 of 2020 (O&M)

Date of Decision: 16.09.2020

Harpreet Moudgil

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. G. K. Mann, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.140 dated 06.07.2019, under Sections 18/61/85 of NDPS Act, and Section 25/54/59 of Arms Act registered at Police Station City Sangrur District Sangrur.

2. Per FIR, on 06.07.2019, on the basis of secret information, a police party intercepted one car bearing No.HR-44G-9359. Upon search, one polythene bag containing 7 kgs of opium being carried by the prime accused Ravinder Kumar alias Shelly was recovered and 1 kg of opium was recovered from parna (cloth piece) of the petitioner, which was tied by him around his abdomen.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and he was driver of the vehicle in question from which contraband was recovered. She further submits that main accused, namely, Ravinder Kumar @ Shelly from whom 7 kg of opium was recovered has already been granted the concession of bail by this Court vide

order dated 14.08.2020 contained at Annexure P-1 and petitioner is entitled to the grant of bail on parity. Petitioner is in custody since 06.07.2019. She further submits that investigation is over, challan has been filed, but there is no headway in the trial. Especially in the pandemic scenario, there is no likelihood of trial being concluded in time.

4. On a query of the Court, learned State counsel, under instructions from ASI Sukhwinder Singh submits that co-accused, namely, Ravinder Kumar @ Shelly nominated in the same very FIR, from whom 7 kg opium (contraband) was recovered, has been granted the concession of bail by a Coordinate Bench of this Court vide order dated 14.08.2020 passed in CRM-M-424 of 2020. He does not controvert that the allegation qua the petitioner is recovery of 1 kg of opium and he has been in custody since 06.07.2019.

5. The petitioner is in custody for almost 01 year and 02 months. There is no headway in the trial and is not likely to commence or conclude anytime soon due to covid-19 pandemic. Courts are currently working with restrictions and taking up only urgent matters. On the ground of parity also, the petitioner is entitled to be released on bail. Considering the overall scenario, without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

SEPTEMBER 16, 2020
vandana

(ARUN MONGA)
JUDGE

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