

211-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24843 of 2020
Date of Decision : 17.09.2020

Sunil ...Petitioner

Versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Deepak Choudhary, Advocate for the petitioner.

Mr. Surender Singh, Asstt. A.G., Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.340, dated 14.05.2020, registered under Sections 21-B/61/85 of the NDPS, Act, 1985 and 188 IPC at Police Station City Hisar, District Hisar.
3. Learned counsel for the petitioner contends that the recovery from the petitioner is only of 10 grams of *heroin*. The petitioner is not involved in any other case, nor is a previous convict. He is in judicial custody since 15.05.2020. Nothing is to be recovered from him. In the circumstances, no useful purpose would be served by keeping the petitioner behind bars, as the trial is likely to take considerable period of time, for although challan has been filed, charges are yet to be framed.
4. Learned State Counsel, on instructions from *ASI Anoop Singh*, has not disputed the aforementioned factual position.

5. Learned counsel for the petitioner has also relied upon the order of this Court in CRM-M No.14456 of 2020 in case titled as 'Azuka versus UT, Chandigarh', involving recovery of 211 grams of *heroin*, wherein the petitioner was released on bail on the ground that the petitioner was in custody for close to 06 months and that out of 13 witnesses, only 02 witnesses had been examined, besides co-ordinate Bench of this Court in CRM-M No.7863 of 2017 in case titled as 'Ugochukwu Henry versus State of Punjab', involving recovery of 300 grams of *heroin* had granted regular bail to the petitioner therein by relying upon the decision of a co-ordinate Bench in CRM-M NO.37253 of 2016 in case titled as 'Festus Ugochukwu versus State of Punjab'.

6. I have considered the submissions of learned counsel for the parties.

8. In the light of the position as noted above and taking into account that recovery is of inter mediate quantity, charges have yet to be framed, trial is likely to take considerable period of time on account of prevailing coronavirus pandemic, and that no useful purpose would be served by keeping the petitioner in custody, the petition for regular bail is **allowed**. The petitioner is directed to be released on bail, subject to his furnishing requisite bail / surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate, concerned, provided he is not required in any other case.

9. However, nothing stated hereinabove shall be taken to be an expression of opinion *qua* the merits of the case.

(B.S. Walia)
Judge

September 17, 2020