

CRM-M-27102-2020 (O&M)

Date of decision: 22.09.2020

Safi Khan

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. G.S. Sadhrao, 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 the respondent-State.

Mr. Randhir Singh Thind, DAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State.

Copy supplied.

The petitioner-Safi Khan, who is in custody in a case bearing FIR No.63 dated 02.06.2019 under Section 15 of the NDPS Act registered at Police Station Odhan, District Sirsa, has sought second regular bail (first one having been disposed off with directions to the trial Court for speedy trial) under Section 439 Cr.P.C.

The petitioner, as per the allegations, was driving a truck bearing No. RJ 31 GA 5603 along with his co-accused-Gurdev Singh,

which was stopped by the police at *nakka* from which, 85 kgs of poppy husk was got recovered.

Learned counsel for the petitioner *inter alia* contends that the petitioner has undergone sentence of more than one year and has taken the stand of present pandemic COVID-19 to hold out that the trial is not likely to be accomplished in the near future.

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

Be so as it may, the petitioner is in custody for more than one year and that in spite of challan having been presented and the charges have been framed but no prosecution witness have been examined till date.

In view of the present pandemic scenario, there is every likelihood that the trial is not likely to be concluded in the near future. Keeping the petitioner behind the bars would be unsafe. Moreover, the authorities are trying to decongest the jails, in light of these circumstances, it is a fit case, to allow the present petition. 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.

22.09.2020

Neha

Whether speaking/reasoned

Whether Reportable

(FATEH DEEP SINGH)

JUDGE

:

:

Yes/No

Yes/No