

209 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-27104-2020  
Date of Decision: 16.09.2020

RAJESH KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H.S.Jaswal, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

*(The case has been taken up through video conferencing on account of Covid-19 pandemic)*

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**VIVEK PURI, J. (ORAL)**

The petitioner has prayed for grant of bail in case FIR No.366 dated 29.6.2018, under Section 15 of NDPS Act registered at Police Station Safidon, District Jind.

Briefly, the FIR has been registered in pursuance of recovery of 86 Kg of poppy husk from the conscious possession of the petitioner and Gurpreet @ Gopi.

It has been contended by learned counsel for the petitioner that petitioner is in custody for the last more than two years and the conclusion of trial is likely to take some time. The petitioner be released on bail on account of Covid-19 pandemic.

On the contrary, it has been pointed out by learned State counsel that this is the fourth bail application filed on behalf of the petitioner, besides he has been convicted in two cases i.e. one case pertaining to robbery wherein he has been sentenced to undergo rigorous imprisonment for a period of seven years and

another case under NDPS Act wherein he has been sentenced to undergo rigorous imprisonment for a period of two years besides one more case under NDPS Act is pending against him.

It may be mentioned here that one earlier application for bail was dismissed on merits in terms of the order dated 3.4.2019 and two other bail applications were withdrawn in terms of the order dated 21.8.2019 and 6.2.2020. In the case in hand, the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity. As such, the stringent provisions of Section 37 of NDPS Act come into play. Significantly, the petitioner is stated to have been convicted in two other cases; one pertaining to the robbery and another pertaining to the offence under NDPS Act. Besides one more case under NDPS Act is pending against him. In such circumstances, it cannot be said that the petitioner has not committed the offence and is not likely to commit the offence while on bail.

For the aforesaid reasons, merely because of the fact that the petitioner is in custody for the last more than two years and trial is not progressing due to restricted hearing on account of Covid-19 pandemic, the petitioner does not become entitled to bail. The undertrial prisoners who were to be granted bail/interim bail on account of Covid-19 pandemic have already been extended the benefit in pursuance of the guidelines of the High-Powered Committee.

Keeping in view the entire circumstances of the case, no justified ground is made out to extend the concession of bail to the petitioner.

Dismissed.

**16.09.2020**

Janki

**(VIVEK PURI)**  
**JUDGE**

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