

CRM-M-27719 of 2020

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27719 of 2020

Date of decision:17.09.2020

Vikram @ Vicky

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. J.P.Dhull, Advocate, for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in case FIR No.155 dated 03.06.2020 under Section 21 of [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (hereinafter referred to as “the NDPS Act”), registered at Police Station Kalayat, Kaithal.

Counsel for the petitioner argues that the petitioner has been falsely implicated in the case and the alleged recovery of 50 grams of heroin has been planted upon him. He submits that the petitioner was a pillion rider on a motorcycle which was driven and owned by the co-accused, Shish Pal. At the time of conducting of the search, the mandatory provisions of the NDPS Act, were not complied with inasmuch as neither any independent witness was joined nor was an offer made to the accused to get themselves searched before a Magistrate or Gazetted Officer. Still further, he submits

that the alleged recovery falls in the category of non-commercial quantity and the petitioner, who is in custody since 03.06.2020 deserves to be enlarged on bail. According to the counsel, the petitioner is not involved in any other criminal case.

Per contra, State counsel upon instructions from ASI Dalsher Singh has submitted that the recovery of contraband was effected from the pocket of the trouser of the petitioner and the same was in his conscious possession. She has further instructions to state that challan has been filed on 04.08.2020 and the charges are yet to be framed. Thirteen (13) witnesses have been mentioned in the challan. She could not deny the fact that the petitioner is not involved in any other matter.

Considering the period of incarceration, the quantity of recovery effected and the current situation prevailing on account of outbreak of coronavirus (Covid-19) pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

September 17, 2020

savita

Whether Speaking/Reasoned

Whether Reportable

(SUVIR SEHGAL)**JUDGE**

Yes/No

Yes/No