

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

210

CRM-M-28874-2020

Decided on : 30.10.2020

Harjinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Mohit Sadana, Advocate for the petitioner (s).

Mr. Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.59 dated 14.02.2019 under Sections 15 of NDPS Act, 1985 registered at Police Station Asuada, District Jhajjar.

Counsel for the petitioner has submitted that the petitioner has been falsely implicated and there is no such history of him being involved in such cases. He further submits that the petitioner is in custody since 14.02.2019 and none of 12 prosecution witnesses have been examined and trial is not proceeding ahead. He referred to the order dated 09.10.2019 (Annexure P-4) to show that HC Sunil Kumar was present, but could not be examined and, thereafter, also orders Annexures P-5 to P-7 were passed adjourning the trial without examination of the witnesses.

Counsel for the State has rightly opposed the bail application on the ground that the petitioner was arrested on the basis of secret information, wherein he was specifically named that he would be carrying

intoxicants in heavy quantity in a truck bearing No.PB-65. While checking, the vehicle bearing Truck No.PB-65-AH-2806 which was stopped 16 black bags having poppy husk weighing 645.210 Kgs have been recovered. It was in such circumstances, the regular bail application had been dismissed by the Special Judge, Jhajjar.

Prima facie, this Court is of the opinion that the petitioner as such belongs to Ferozepur, but has been arrested in the State of Haryana and there is no reason why the Haryana Police would falsely implicate him in such a case and foist such heavy recovery upon him.

Accordingly, no case is made out for grant of regular bail and the petition is dismissed.

However, keeping in view the period of detention undergone by the petitioner, it would be appropriate, if the trial Court concludes the trial within a period of six months from the receipt of the certified copy of this order, after taking all necessary precautions, as per the instructions issued by the High Court, in view of the Covid-19 situation.

Petition stands dismissed.

Nothing said herein shall prejudice the trial Court while deciding the main case on merits.

OCTOBER 30, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No