

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-34597 of 2020
Date of Decision: December 15, 2020

Labh Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harvinder Singh Maan, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.196 dated 15.08.2020, under Section 22-C and 27-A N.D.P.S.Act, 1985, registered at Police Station, Sadar Ratia, District Fatehabad. The petitioner is in custody since his arrest on 15.08.2020.

As per the allegations in the FIR, on 15.08.2020, when the police party was present on Chimo-Kalandargarh road for patrolling and checking of criminal activities, a person was seeing coming from Kalandargarh side holding a black colour polythene bag in his right hand and on seeing the police party, he turned back and started walking briskly.

On the basis of suspicion, he was apprehended and on search of polythene

bag held by him, 720 intoxicating tablets were recovered. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that as per the prosecution case, the alleged contraband (720 tablets) was recovered from the possession of the co-accused, namely, Harpal Singh alias Bhola Singh. He submits that on the disclosure statement of the co-accused, the petitioner was arraigned as an accused and the investigation of the case is also complete. He has submitted that after submission of final report, charges were framed on 07.10.2020, however, no prosecution witness has been examined so far. He prays for grant of bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel, on instructions from SI Baldev Singh, has opposed the prayer and has produced the custody certificate of the petitioner. He submits that though the contraband was recovered from Harpal Singh, but it was supplied by the petitioner. He further states that prosecution witnesses are yet to be examined.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed and the charges were framed on 07.10.2020, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 15.08.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner

be released on regular bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Fatehabad.

December 15, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No