

CRM-M-34637-2020

Date of decision: 06.11.2020

Malkiat Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. P.K. Ganga, 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 official respondent-State.

Mr. B.S. Virk, DAG, Haryana has put in appearance and accepts notice on behalf of the official respondent-State. Copy supplied.

Petitioner-Malkiat Singh, has come up in this second regular bail application (first one having been dismissed as withdrawn by this Court vide order dated 10.08.2020) under Section 439 Cr.P.C. in a case bearing FIR No.333 dated 23.08.2019 under Section 22-C of the NDPS Act registered at Police Station Rania District Sirsa Haryana.

The brief allegations against the petitioner are that on 23.08.2019, the police official while doing patrolling duty, on suspicion, had apprehended the present petitioner and recovered a polythene bag from him containing 430 intoxicating tablets of Tramadol.

Learned counsel for the petitioner *inter alia* contends that it is merely on suspicion, the FIR has been registered and the petitioner has been falsely implicated in the present case. Counsel further submits that the petitioner is in custody for the last 01 year and 02 months and has placed reliance on CRM-M-16336-2020 (O&M) decided on 29.07.2020 titled as **'Sanjay Kumar versus State of Punjab'**, CRM-M-15530-2020 (O&M) decided on 24.07.2020 titled as **'Sagar Arora versus State of Punjab'**, CRM-M-19285-2020 decided on 06.08.2020 titled as **'Taranjit Singh @ Tarni versus State of Punjab'**, CRM-M-46318-2019 decided on 17.12.2019 titled as **'Jagsir Singh @ Seera versus State of Punjab'** and CRM-M-16824-2020 decided on 30.06.2020 titled as **'Raj Kumar versus Narcotic Control Bureau, Chandigarh'**, to seek parity.

The learned State counsel has strongly opposed the bail on the grounds of seriousness of the allegations and stated that commercial quantity of contraband has been recovered from the accused and that there is no other case is pending against the present petitioner.

Heard.

Be so as it may, the recovery already stands effected.

The FIR is based on suspicion, thus, culpability, conscious possession of which accused if any, would be determined at the time of trial. Since, the petitioner is behind the bars for more than one year and in view of present COVID-19 pandemic and the efforts of the authorities in decongesting the jail which are busting at the seams and the ratios cited for parity, this Court deems it fit to allow the regular bail to the present petitioner.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petitions stand disposed off accordingly.

06.11.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No