

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

CRM M-31130 of 2019 (O&M)

Date of Decision: September 25, 2020

Oro Marc		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Arjunveer Sharma, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Oro Marc a Nigerian national who is in custody has come up before this Court in this first regular bail application moved under Section 439 Cr.P.C. in FIR No. 45 dated 31.08.2018 registered under Section 21 of NDPS Act, 1985, Sector 14 of Foreigners Act, 1946 at Police Station STF,

Phase-4, Mohali, District Mohali.

On the basis of secret information, the police laid a *naka* on 31.08.2018 and apprehended the petitioner near Landron Chowk Mohali and upon search of the accused heroin weighing 400 grams was recovered.

Mr. Arjunveer Sharma, learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 31.08.2018 and has undergone detention of more than 02 years and has sought to seek support from CRM M-37253 of 2016 decided on 07.12.2016 titled as **Festus Ugochukwu** Vs. **State of Punjab** and CRM M-2193 of 2019 decided on 07.09.2020 titled as **Ameca Ofer** Vs. **State of Punjab** to hammer home the point that after such a long period of detention petitioner known as foreign national is entitled to be released on bail. The counsel has taken refuge of the present pandemic Covid 19 situation to bring about support that the trial is not likely to be concluded in the near future.

Mr. J.S. Ghumman, DAG, Punjab the learned State counsel though does not displace the facts but has strongly opposed the grant of bail that being a foreign national there is every likelihood that he may abscond.

Be so as it may, the petitioner is behind the bars continuously for a period of 02 years. The ratios cited at the bar **Festus Ugochukwu and Ameca Ofer (supra)** where in a

almost similar recovery from Nigerian citizens had been released on bail in similar cases

Keeping in view the present Pandemic situation, the period of incarceration already undergone and the fact that there is every likelihood that the trial is not likely to be accomplished in near future besides principal of parity impels this Court to allow the present bail subject to furnishing of bail bonds with two local sureties each of Rs.5,00,000/- to the satisfaction of the learned trial Court/Magistrate concerned subject to his surrendering passport if earlier not taken in possession by the police/authorities. The petitioner shall not leave the District of Mohali without prior permission of the Court concerned till conclusion of the trial.

The petitioner shall not in any manner influence the witnesses of the prosecution or try to stifle the trial.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off accordingly.

September 25, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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