

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

205

**CRM-M-35987-2020 (O&M)
Decided on : 18.12.2020**

Kuldeep

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner(s).

Mr. Arun Beniwal, DAG, Haryana
assisted by SI Mahender.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 583, dated 10.10.2019, under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'NDPS Act'), registered at Police Station City Sonipat, District Sonipat.

Learned Senior counsel for the petitioner submits that the petitioner has been in custody since since 10th October, 2019 for being in alleged possession of 23 grams (small quantity) of smack, which was got recovered from a polythene bag allegedly thrown by him on seeing the police party. He further submits that the trial is unlikely to conclude in the near future, as prosecution evidence is yet to commence. Further states that there is no criminal case, much less, any under the NDPS Act, pending against the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Mahender, has submitted that the case is slated for 06th January, 2021, before the trial Court for prosecution evidence. However, he has not been able to controvert the submissions made by learned counsel for the petitioner that there is no criminal case pending against him.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 18, 2020

J.Ram

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