

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

**CRM-M-38348 of 2020
Date of Decision 24.11.2020**

Rohit

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Punit Malik, Advocate, for the petitioner.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):

The petitioner prays for a regular bail under Section 439 of the Code of Criminal Procedure in FIR No. 232 dated 29.7.2020, under Section 20(B)(ii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Badshahpur, Gurugram, Haryana.

As per the prosecution version, on 29.7.2020, ASI Parmod Kumar, along with other police officials, found the petitioner in possession of 2 Kgs of ganja at 60 MTR Road, Gurugram.

Learned counsel for the petitioner submits that recovery of 2 Kgs of ganja is marginally above the minor quantity and is, thus, between small/minor quantity and commercial quantity. Further, he has neither been involved in any such case in the past. The petitioner has been in custody since 29.7.2020. He submits that although the challan has been presented on 22.9.2020, but the trial, in view of the prevalent pandemic (COVID-19), would indeed take long to conclude. Particularly, for even the charges are yet to be framed. Therefore, further incarceration of the petitioner would not serve any purpose.

AMIT KUMAR
2020.11.25 11:52
I attest to the accuracy and
authenticity of this document

Notice.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana, accepts notice.

All what the learned State counsel submits is, for the trial is yet to commence, there is every likelihood that petitioner might influence the witnesses.

In response, learned counsel for the petitioner submits, for all the witnesses that are to be examined by the prosecution, are official witnesses, the apprehension of the learned State counsel is wholly misplaced.

In the wake of the above, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Needless to assert that this order or any observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

(ARUN PALLI)
JUDGE

November 24, 2020
AK Sharma

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