

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206 - CRM-M-43314-2019 (O&M)

Date of Decision: 28.09.2020

Ashok Kumar

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Rahul Deswal, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Ashok Kumar aged 39 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.193 dated 22.03.2019 under Sections 20/61/85 of NDPS Act, 1985 registered at PS Camp Palwal, District Palwal.

Learned counsel, at the outset, by making reference to para 4 of the petition submits that the petitioner had served in Indian Army from 2001 till the year 2018. It is then submitted that petitioner participated in Operation Parakram, Operation Rakshak and Operation Meghdoot and was a decorated Army personnel with Siachen Glacier Medal and Sainya Sewa Medal. It is then submitted that after his retirement, the petitioner purchased the canter in question from his retiral benefits. The petitioner joined as Constable in Haryana Police. It is then submitted that he executed a rent agreement with Vijay Devi w/o Laxman Singh and Kamla w/o Jatan on 05.02.2018 for a monthly rent of Rs.4000/-. He submits that as per the allegations of FIR, on the alleged date of incident i.e. 21.03.2019, on the basis

of secret information, the canter in question was apprehended. Learned counsel also refers to the disclosure statement of accused, namely, Jatin who has not named the petitioner to be, in any way, involved in the incident.

Learned State counsel, on instructions from ASI Ram Jiwan, submits that the charges in the present case were framed on 31.08.2019. There are a total of 14 witnesses and none have been examined.

It is then submitted that the petitioner is not involved in any other FIR involving similar allegations except two others which are under different Sections. Counsel submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also keeping in view the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

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

The petition stands disposed of accordingly.

28.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No