

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

CRM-M-57347 of 2018.

Decided on:- August 25, 2020.

Vishal Kumar alias Rinku.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ashish Naik, Advocate for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.101 dated 16.04.2018 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) (charge sheeted under Section 21 of the NDPS Act) registered at Police Station Arya Nagar, Rohtak, District Rohtak.

The earlier petition i.e. **CRM-M-31139 of 2018** titled as ***Vishal Kumar alias Rinku Versus State of Haryana*** filed by petitioner for the same relief was disposed of vide order dated 19.09.2018 passed by this Court, whereby the petitioner was ordered to be released on interim bail till the FSL report becomes available in the case.

Learned counsel for the petitioner contends that the petitioner was taken in custody on 16.04.2018. During the course of trial, though the petitioner was released on interim bail in compliance of order dated

19.09.2018 passed by this Court in **CRM-M-31139 of 2018** but on receipt of FSL report, he was again taken in custody on 12.11.2018. In this manner, the petitioner has suffered incarceration for about 2 years and 2 months. As against total 13 witnesses cited by the prosecution, only 4 witnesses have been examined so far and the last prosecution witness was examined in the case on 30.10.2019. There is no other case against the petitioner.

Learned State counsel does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

As on date, there is no possibility of regular trial in near future in view of COVID-19 pandemic. The petitioner is in custody since 12.11.2018 and there is no other case against him. As against total 13 prosecution witnesses, only 4 witnesses have been examined in the case till date. Therefore, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

August 25, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No