

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

**CRM-M-49481-2019 (O&M)
Date of Decision: August 05, 2020**

SATPAL SINGH @ LADHA

..... Petitioner(s)

Versus

STATE OF HARYANA

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jagjit Singh Gill, Advocate
for the petitioner.

Mr. Anmol Malik, DAG., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No.206, dated 05.09.2019 under Sections 22-B of the NDPS Act, registered at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this matter due to certain cases of the NDPS Act pending against him. Learned counsel for the petitioner argues that even as per the prosecution version, the quantity of the contraband allegedly recovered from the petitioner is non-commercial i.e. 130.35 grams of tramadol. The

petitioner, it is submitted, has been in custody in this case since 05.09.2019. In so far as the case No.112 dated 19.09.2001 is concerned, regarding 5 Kg. of poppy husk, the petitioner has undergone the sentence. In respect to case FIR No.115 dated 17.06.2013 and case FIR No. 138 dated 07.07.2010 in regard to recovery of 850 grams of poppy husk, the petitioner was acquitted and the petitioner has also undergone the sentence in FIR No.124 dated 02.09.2011 in respect to 1.500Kgs. poppy husk. The petitioner is facing trial in FIR No.11 dated 13.01.2017 and is on bail in that case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State while opposing this petition submits that the petitioner is a habitual offender, however, the acquittal and pendency of matters as detailed by learned counsel for the petitioner, as above, is not denied. The petitioner is in custody since 05.09.2019 in this case. On instructions from ASI Sukhjeet Singh, it is informed by learned counsel for the State that there are 12 prosecution witnesses to be examined but none has been examined as on date. Charge in this case was framed on 03.02.2020.

Due to the outbreak of the pandemic COVID-19 much progress is not being made towards conclusion of the trial. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is made clear that in case the petitioner is found to be involved in any other case of NDPS Act subsequent to his release, the State is at liberty to move an application for cancellation of bail granted to the petitioner in this case.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

August 05, 2020
Sunil

(LISA GILL)
JUDGE

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