

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

CRM-M-54516-2019

Date of decision:03.12.2020

Ram Mehar alias Mehar Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate dated 02.12.2020 filed through email, is taken on record.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.232 dated 06.07.2018 registered under Sections 15 and 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Matlauda, District Panipat.

Learned counsel for the petitioner states that even as per the disclosure statement of the petitioner, out of total recovered contraband, only 18 Kg of *Ganja Patti* (marijuana leaves) falls to the share of the petitioner, which is less than the commercial quantity i.e. 20 kg. The petitioner has been in custody since 07.01.2019. It is further contended that there is no likelihood of the trial being completed any sooner and thus no purpose would be served by retaining the petitioner behind bars.

Learned State counsel points out that earlier petition for

regular bail filed by the petitioner and the co-accused was dismissed on merits on 26.08.2019 by a Coordinate Bench of this Court. There is no change of circumstance and hence the petitioner is not entitled to any indulgence.

I have heard learned counsel for the parties.

The petitioner has been in custody since 07.01.2019. Though the petitioner's case is that out of the total recovered contraband, only 18 Kg of Ganja Patti fell to his share, yet the said fact is to be determined on the basis of evidence led before the trial Court. However, the fact remains that the petitioner has been behind the bars for a considerable long time, coupled with the fact that there is no other case pending or registered against the petitioner. Moreover, keeping in view the prevailing situation of Covid-19, the trial is likely to take long time to conclude.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

03.12.2020

ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No