

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

**CRM-M-111-2021
Date of Decision : 15.02.2021**

Radhey Shyam @ Shama

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Mamli, Advocate
 for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.381 dated 04.12.2020 under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhuna, District Fatehabad, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR, 3 kgs and 700 grams of poppy straw was recovered from the petitioner which is of non-commercial quantity.

Learned counsel for the petitioner further submits that out of 14 prosecution witnesses, none has been examined so far; *challan* stands presented and charges are yet to be framed and since 14 prosecution witnesses have to be examined, it will take a long time in conclusion of trial.

Learned counsel for the petitioner further submits that the ground for dismissal of the application by the Special Judge, Fatehabad is that petitioner is involved in four more FIRs.

Learned counsel for the petitioner has referred to judgment dated 13.03.2015 relating to FIR No.204 dated 18.02.2012 passed by the Sessions Judge, Hisar vide which, the sentence of six months awarded by the trial Court was reduced to the period already undergone by the petitioner as the offence was under Section 174-A of the IPC.

Learned counsel for the petitioner further referred to judgment dated 30.03.2015 passed by the Additional Sessions Judge, Fatehabad relating to FIR No.693 dated 27.11.2014 vide which, the petitioner was again directed to undergo custody already undergone by him as the recovery was of small quantity in a case under Section 15 of the NDPS Act.

Learned counsel for the petitioner further referred to judgment dated 04.09.2017 relating to FIR No.214 dated 23.02.2010 under Sections 406/420 of the IPC, vide which the petitioner stands acquitted.

Learned counsel for the petitioner further referred to another judgment dated 06.03.2018 relating to FIR No.481 dated 01.08.2015 vide which, the petitioner and the other accused were acquitted in case under Sections 15 and 27-A of the NDPS Act.

Learned counsel for the petitioner further submits that the petitioner has in fact undergone sentence in one case where he has confessed and his sentence was reduced to the period already undergone by him.

Learned counsel for the petitioner further submits that due to COVID-19 situation, though actual hearing has started in courts below, however, considering the long pendency of cases and as priority is being given to old cases, it will take a long time in conclusion of trial in the present case.

Learned State counsel has filed the custody certificate and as per same, the petitioner is in custody since 05.12.2020.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case and considering the aforesaid submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

15.02.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No