

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.1698 of 2021

Date of Decision: March 23, 2021

Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. V.B.Godara, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.112 dated 30.03.2017, under Sections 21(b) N.D.P.S.Act, 1985, registered at Police Station, Bhuna, District Fatehabad. The petitioner is in custody since his arrest on 06.11.2019.

As per the allegations in the FIR, on 30.03.2017 when ASI Bahadur Singh along with other police officials was present at Fatehabad road, Ranadhir Chowk, Bhuna for patrolling, then a boy got alighted from a private vehicle and started proceeding towards Ranadhir Chowk, who on seeing the police party, turned back and started walking briskly. He was apprehended on suspicion and ten grams of smack was recovered from him.

Learned counsel for the petitioner contends that the petitioner was arrested for possessing ten grams smack in the present FIR and was granted the concession of bail by the Additional Sessions Judge, Fatehabad

vide order dated 25.04.2017. It is the case of the petitioner that he regularly appeared before the trial court, but absented on 11.03.2019, which resulted in cancellation of his bail and forfeiture of the bail bonds. It is pointed out that the petitioner was again arrested on 06.11.2019 and since then he is in judicial custody. He prays for bail.

On the other hand, learned State counsel, assisted by SI Kashmir Singh, does not dispute the factual aspect and states that the charges in the case were framed on 06.08.2018, but no prosecution witness has been examined till date.

Considering the above background and the pace at which the trial is progressing, this court finds that the petitioner deserves the concession of regular bail, who is presently confined in judicial custody after his arrest on 06.11.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Fatehabad.

March 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No