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

CRM-M-3432-2021

Date of Decision: 28.04.2021

**Ramkesh****.. Petitioner****Vs.****State of Haryana****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Ramesh Kumar Bamal, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

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**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.48 dated 12.3.2020, under Section 22-C and 27-A NDPS Act 1985 (Section 27-A NDPS Act added later on), Police Station Garhi, District Jind. The petitioner is in custody since his arrest on 12.03.2020.

As per the allegations in the FIR, on 12.3.2020, when a police party was patrolling in connection with crime detection and were going to village Kharal through village Hamirgarh, near Government School, Kharal, a young boy was seen having yellow polythene bag in his right hand. On seeing the police vehicle, he immediately started running in wheat fields. He was apprehended and on interrogation, he disclosed his name as Ramkesh, resident of Biga Patti, Dhamtan Sahib, District Jind. A search was conducted on him in the presence of a gazetted officer and 138 strips of 10 tablets each, totalling 1380 tablets, Clovidol-100 SR Tramadol Hydrochloride Tablet 100 mg. weighing 552 grams were recovered from his

possession. On interrogation, he disclosed that he got the contraband from Gurmeet @ Meet resident of Karsindhu, Uchana to further sell it to the customers. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the charges were framed on 28.01.2021, but no prosecution witness has been examined so far. He has further contended that the co-accused of the petitioner has been released on bail vide order dated 28.08.2020. According to him, the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary, as he is not involved in any other case of similar nature. He prays for bail during pendency of the trial.

On the other hand, learned State counsel assisted by ASI Radhey Sham, has opposed prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. He does not dispute this fact that the petitioner is not involved in any other case of similar nature. Learned State counsel, on instructions, states that the charges have been framed on 28.01.2021, but no prosecution witness has been examined.

After hearing the learned counsel for the parties, considering the custody of the petitioner and the fact that though the charges were framed on 28.01.2021, but no prosecution witness has been examined so far, therefore, the trial is likely to consume considerable time to conclude. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the state governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial.

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

The petition is allowed.

28.04.2021  
*Jasmine Kaur*

(MANOJ BAJAJ)  
JUDGE

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|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |