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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-4330-2021 (O&M)
Date of Decision: May 18, 2021

Tamkin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mohit Jaggi, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

CRM-13614 of 2021

Prayer in the application is for preponment of the hearing of the
main petition.

Notice of this application.

Mr. Sukhdeep Parmar, learned Deputy Advocate General,
Haryana accepts notice on behalf of the State and does not oppose the
prayer made in the application.

For the reasons mentioned in the application, the same is
allowed and the the date of hearing is preponed to today.

CRM-M-4330-2021

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail, pending trial in case FIR No.601 dated 13.12.2020,
under Sections 21 and 29 N.D.P.S.Act, 1985, registered at Police Station,
Sector 5, Panchkula, District Panchkula. The petitioner is in custody since
his arrest on 15.12.2020.

As per the FIR, on 13.12.2020 at around 2.40 p.m., when the police party was present near Tau Devi Lal Stadium, Sector 3 Panchkula, a boy on seeing the police party coming towards him, reversed and started walking briskly. He was apprehended on suspicion, who on inquiry disclosed his name as Sandeep Kumar alias Ankit. Thereafter, upon his search, 6 grams 30 miligrams heroin was recovered from his conscious possession. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the alleged recovery of 6.3 grams heroin was made from accused Sandeep Kumar, who was arrested on the spot and the petitioner was indicted as an accused subsequently on his disclosure statement. He has pointed out that vide order dated 16.02.2021 passed in CRM-M-5947 of 2021, the said co-accused has already been released on regular bail. Learned counsel further submits that though the investigation of the case is complete as final report was filed on 27.01.2021, but the charges are yet to be framed, therefore, the petitioner deserves the concession of regular bail.

On the other hand, the prayer is opposed by the learned State counsel assisted by HC Purshottam. However, he does not dispute that the co-accused of the petitioner has been granted the concession of regular bail and the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the trial is at the initial stage with no possibility of its completion in near future as charges are yet to be framed. The co-accused of the petitioner has already been released on regular bail. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the Government of

Punjab, Haryana and U.T.Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Admittedly, the petitioner is not involved in any other case of similar nature, therefore, he has made out a case for his release on regular bail. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 15.12.2020.

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/CJM/Duty Magistrate, Panchkula.

May 18, 2021
vipin kumar

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No