

118

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6527 of 2021 (O&M)

Date of decision: 22.07.2021

Tirath Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Siddharth Sanwaria, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

On oral request, made by counsel for the applicant/petitioner, the main petition, which is fixed for 06.09.2021, is taken up today for hearing.

CRM-M-6527-2021 (O&M)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.806 dated 21.11.2020, for offence punishable under Sections 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sadar Hisar, District Hisar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of ASI Rohtash, that on 21.09.2020 he was on patrol duty, when he received a secret information that the petitioner Tirath Singh, is dealing in sale of narcotics and is coming from Delhi and he can be apprehended with

CASE HEARD THROUGH VIDEO CONFERENCING

Heroin. On receiving the information, a barrier was laid and after some time, the petitioner was seen coming on a car. On seeing the police party, the driver of the car plunged the car into the canal and thereafter, he was nabbed at the spot and on asking, he disclosed his identity. Thereafter, the car was taken out from the canal with the help of crane and the car was searched in the presence of Narayan Chand, Deputy Superintendent of Police and 244 gms of Heroin was recovered.

Counsel for the petitioner has further submitted that the petitioner is a first offender and he is not involved in any other case and the recovery is of intermittent quantity and is less than the commercial quantity. It is also submitted that the petitioner is in custody since 24.11.2020 and a period of about 7½ months has already been passed and challan stands presented and he is no more required for further investigation.

Lastly, counsel for the petitioner has argued that the father of the petitioner is not well and he is to undergo heart surgery as per the medical certificate (Annexure A-1).

Counsel for the State on the basis of the affidavit of the Deputy Superintendent of Police, Hisar II, has not disputed the factual position but opposed the prayer for bail, however, it is submitted that the recovery effected from the petitioner was on a border line less than commercial quantity. It is also submitted that till date, no PW has been examined as the trial has been delayed on account of COVID-19.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 7½ months; the petitioner, being the

CASE HEARD THROUGH VIDEO CONFERENCING

first offender, is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

22.07.2021

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No