

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

**CRM No.M-8297 of 2021
Date of Decision: March 03, 2021**

Abid

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Farukh Abdullah, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case bearing FIR No.192 dated 31.05.2020, under Section 20 of the NDPS Act, Police Station Hodal, District Palwal.

Notice of motion.

Ms.Harpreet Kaur, Asstt. Advocate General, Haryana , accepts notice on behalf of the respondent-State.

As per version of the prosecution, on 31.05.2020, from the car bearing No.DL-8CT-7137, of which petitioner-Abid was occupant, recovery of 2 bags containing 10.484 kilograms and 10.500 kilograms, thus total about 21 kilograms of ganja, was effected.

Now, it is submitted by learned counsel for the petitioner that extent of recovery, so effected, is marginally above the commercial quantity. Also, it is submitted that earlier bail petition filed by the petitioner was dismissed on 05.11.2020, on account of duration of detention to be too less. It is further submitted that even though, challan has been presented and charge has been framed but till date, no witness has been examined. Learned counsel for the petitioner also submits that there is no other case, decided or pending, against the petitioner. In these circumstances, a prayer has been made for grant of regular bail to the petitioner.

On the contrary, learned State counsel resists the claim of the petitioner for grant of bail, as she submits that the extent of recovery from the petitioner falls in the category of commercial quantity. However, on instructions from ASI Om Parkash, she does not dispute the stated fact regarding the stage of the trial and she also does not dispute the fact about no case to be pending against the petitioner.

Even though, challan has been presented and the charge has been framed, but till date, no witness has been examined by the prosecution and the next date fixed before the trial Court is 09.04.2021.

Considering the aforesaid facts and circumstances, may it be so, that the extent of recovery falls in the category of commercial quantity but however, it is marginally above the commercial quantity and moreover, the petitioner is in custody since 31.05.2020. Considering the duration of detention of the petitioner and also considering the fact that trial has not made any effective progress till date, without any expression on merits of the case, at this stage, in the interest of justice, this Court, deem it appropriate to grant benefit of regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

(ARCHANA PURI)
JUDGE

March 03, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No