

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

204

CRM-M-9806-2021

Decided on : 27.04.2021

Charanjeet @ Charanjit @ Charna

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Aditya Sanghi, Advocate, for the petitioner.

Mr.Shivendra Swaroop, AAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present 3rd petition filed under Section 439 Cr.P.C., petitioner seeks regular bail in FIR No.191 dated 22.08.2019 under Sections 22(c) of Narcotic Drugs & Psychotropic Substances Act No.61 of 1985, registered at Police Station Kalanwali, District Sirsa.

Counsel for the petitioner has submitted that the petitioner has been in custody since 03.02.2020 and now the case is fixed for 10.06.2021. It is submitted that on an earlier occasion, the 1st petition was dismissed as withdrawn on 17.09.2020(Annexure P-7) on account of some clerical error and it was never pressed on merits. The 2nd petition was dismissed on 04.11.2020 (Annexure P-9). It is submitted that no tangible progress has taken place since then and neither any further progress is likely to take place since out of the 20 witnesses arrayed by the prosecution, 5 are proposed to be examined on 10.06.2021, which fact is confirmed by the State Counsel on instructions from SI-Bhoop Singh.

On an earlier occasion, this Court had noticed that the vehicle was in the name of the petitioner bearing HR51N/0938 being Ford Icon Car of green colour. The recovery was of 5000 tablets (4.375 kgs.) apart from cash of Rs.5,10,000/- and jewellery of 19.94 grams in the form of ornaments from the co-accused Hardeep Singh. Petitioner's name had figured on account of secret information received by the police and that the said vehicle would be carrying the said contraband. It is not disputed that the petitioner was arrested later only.

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

204

CRM-M-9806-2021

-2-

As per the reply filed by the State also, there are as many as 9 cases pending though reference has not been made of another case registered in FIR No.250. Counsel for the petitioner has, thus, pointed out that the petitioner is on bail in all other cases.

Accordingly, keeping in view the fact that substantial period has expired even from the dismissal of the 2nd petition and as the trial is liable to take long time, keeping in view the COVID-2019 pandemic and since the Courts are functioning in restricted manner, petitioner would be entitled for the benefit of regular bail. As per the reply also, it would be clear that petitioner has only been convicted yet only in one proceedings under Section 174A IPC and the rest are pending. Thus, keeping in view the above-said fact, this Court is of the opinion that since charge has been framed only on 26.04.2021, no useful purpose would be served by keeping the petitioner in further custody.

Accordingly, keeping in view the above discussion, the present petition is allowed and the petitioner be released on regular bail, to the satisfaction of the Illaqa/Duty Magistrate/Trial Court, Sirsa.

APRIL 27, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No