

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

**CRM-M-19277-2021
Date of decision: 29.06.2021**

Sandeep Pandey

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Bajwa, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 106 dated 10.04.2018, registered under Section 20 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Khedki Daula, District Gurugram.

Learned counsel for the petitioner submits that the first petition, bearing CRM-M-56127-2018, was dismissed as withdrawn on 27.02.2020 and since then, no prosecution witness has been examined due to COVID-19 situation and the petitioner is in judicial custody for the last about 03 years and 02 months and he is not involved in any other case under the NDPS Act.

Learned counsel further submits that as per allegations in the

FIR, on 09.04.2018, the police party, on receiving a secret information that petitioner Sandeep Pandey is present with narcotics, apprehended the petitioner and recovered 1.8 Kgs. of Charas, which falls in commercial quantity.

Learned counsel further argues that considering the long custody of the petitioner and also in view of the fact that it will be a matter of trial whether proper procedure was followed before effecting recovery and conducting the investigation as no second Investigating Officer was called, the petitioner may be enlarged on regular bail. It is further submitted that charges were framed on 07.06.2018 and the trial is now standstill.

Learned counsel for the petitioner further submits that petitioner is facing problems in his family as his father has died in a road accident and there is no one to look after his family.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 03 years, 02 months and 19 days and though he is involved in two more cases under the provisions of IPC, however, he is on bail in those cases.

Learned State counsel, on instructions from ASI Vijender Singh, could not dispute the fact that evidence is not being recorded and the trial is substantially delayed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody and also in view of the fact that trial is not progressing, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing

bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa
Magistrate, concerned.

29.06.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No