

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

207

CRM-M No.18621-2020

Date of decision:27.01.2021

Azad

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Hitesh Verma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.59, dated 10.02.2020 registered under Section 21 of the NDPS Act, 1985 (Act No.61) at Police Station Civil Lines Sirsa, District Sirsa, Haryana.

Counsel for the petitioner has argued that the petitioner has been falsely framed in the present case. He submits that the recovery allegedly effected from the petitioner is 40.8 grams of heroin, which falls in the intermediate category. It is his contention that though challan has been presented on 07.04.2020 but the charges have not been framed and

the trial is not progressing. According to the counsel, the petitioner is in custody since 10.02.2020. He is not required for custodial interrogation and therefore, deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions from ASI Pardeep has opposed the petition. He submits that the recovery of the contraband has been effected from the person of the petitioner and he is involved in seven criminal cases including the present one. His name figures in three other cases registered against him under the NDPS Act. As per his instructions, all the cases pending against the petitioner are under trial. By referring to the affidavit of the Deputy Superintendent of Police (HQ), Sirsa, District Sirsa, filed on behalf of the State, in pursuance of the order dated 16.10.2020, he submits that even the co-accused, Ravinder is involved in five other cases.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegation, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Henceforth, in case, the petitioner is found to be involved in any other criminal case, it will be open to the prosecution to seek

cancellation of his bail.

It is further clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

27.01.2021
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No