

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

CRM-M-24995-2021 (O&M)

Date of decision: 08.07.2021

Subhash Chander

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. D.S. Virk, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No.191 dated 16.06.2020 registered under Section 22(b) of the NDPS Act, 1985 at Police Station Sadar Sirsa, District Sirsa, Haryana.

Learned counsel for the petitioner submits that the alleged recovery effected from the petitioner is marginally above the commercial quantity; that the petitioner has been in custody since 17.06.2020 and that there is no other case registered or pending against the petitioner under NDPS Act. He further submits that on 17.12.2020, the petitioner was granted interim bail by this Court. However, in compliance with the order passed by

this Court, the petitioner had surrendered before the trial Court on presentation of the FSL report.

While opposing the prayer for grant of regular bail to the petitioner, learned State counsel has not disputed the aforesaid factual position. He, however, has submitted that out of total 21 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 17.06.2020 and no other case is registered or pending against him under NDPS Act. Out of 21 prosecution witnesses, none has been examined so far. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

08.07.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No