

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

CRM-M-22909-2020

Date of Decision: 08.02.2021.

SAJID

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present: Mr. Afzal Hussain, Advocate,
for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.575, dated 30.10.2019, registered under Sections 20, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Hodal, District Palwal.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand and the recovery of 94.6 Kgs of *ganja* has been planted on him. It has been further submitted that it was a case of secret information, however, the mandatory provisions of the NDPS Act, 1985 were not complied with inasmuch as no independent witnesses was joined by the Police Party at the time of alleged recovery. Learned counsel for the petitioner has further submitted that the petitioner has been in custody

since 30.10.2019 and there is no likelihood of the trial concluding in the near future.

On the other hand, learned State counsel, on instructions from ASI Ashok Kumar, has vehemently opposed the submissions and prayer made by the learned counsel for the petitioner and has submitted that it is a case of heavy recovery and hence the submission made by the learned counsel for the petitioner that a false recovery has been planted on him is not plausible. She has further submitted that the delay in the conclusion of the trial has been on account of the outbreak of the COVID pandemic.

Heard.

No ground is made out for granting the concession of regular bail to the petitioner. Resultantly, the present petition is hereby dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 8, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : *Yes /No.*

Whether Reportable : *Yes/No*