

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.222

CRM-M-23242-2020 (O&M)

Date of decision: 16.03.2021

Amit Kumar @ Monu @ Dholu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.163 dated 04.05.2020 registered under Section 188 IPC, Section 51(B) of Disaster Management Act, 2005 and Section 22(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Fatehabad, District Fatehabad.

The petitioner is being prosecuted for having been found in illegal possession of 990 tablets containing Tramadol Hydrochloride.

Learned counsel for the petitioner submits that the petitioner, who is a young boy aged 26 years has been falsely implicated in the case; the petitioner has been in custody since 04.05.2020; there is no recovery made from the petitioner's person; there is no other criminal case in which the petitioner is involved; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation and that the petitioner's trial which is yet to begin is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 990 tablets containing Tramadol Hydrochloride and if released on bail he is likely to indulge in similar offences.

The petitioner is a young boy aged 26 years; he has been in custody since 04.05.2020; there is no other criminal case in which the petitioner is involved; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation and that the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fatehabad, who shall insist on heavy local sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

March 16, 2021

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No