

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-27938 of 2020

Date of Decision: 15.02.2021

Jitender

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rakesh Nehra, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.37 dated 02.02.2019 under Sections 21, 22(c), 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) registered at Police Station Civil Lines, Rohtak .

As per the FIR, on 02.02.2019, when a police party was on patrolling and checking duty, a car bearing No.HR-12AA-5374 came from the side of Sheela bypass, Rohtak. It was signaled to stop, but the driver tried to run away the vehicle. But after some distance, the said vehicle was got stopped. The person sitting in the car disclosed his name as Jitender @ Jitu i.e. the petitioner. On checking the vehicle, 15 boxes of WIN Cirex

cough syrup were recovered. Each box was containing 100 bottles. Thus,

1500 bottles of cough syrup were recovered. The petitioner was asked to produce license/permit to retain the possession of this stock, but he could not produce any such license and therefore, the present FIR.

Learned counsel for the petitioner has argued that the petitioner is in custody since 02.02.2019 and there is no other case of similar nature pending against him. Charge in the case was framed on 05.09.2019, but thereafter, the case is being adjourned on one pretext or the other. No prosecution witness has been examined so far. He has referred to orders dated 27.11.2019 and 16.03.2020 passed by learned Additional Sessions Judge, Rohtak, wherein on account of non-presence of the prosecution witnesses, the case was adjourned and thereafter, Covid-19 pandemic has come into effect and therefore, no progress has been made in the trial. He has argued that considering the long custody of the petitioner and there being no other case pending against him, he be released on bail.

Learned State counsel has argued that the recovery made from the petitioner is commercial quantity in nature. Since huge quantity of 1500 bottles of cough syrup has been recovered from the petitioner, he is not entitled for bail.

I have heard learned counsel for the parties.

The alleged recovery made from the petitioner is 1500 bottles of cough syrup and charges in the case were framed on 05.09.2019, but thereafter, not even a single prosecution witness has been examined so far. Covid-19 pandemic has further affected the trial adversely. Noticing the fact that petitioner is in custody since 02.02.2019 and there is no other case of similar nature pending against him, coupled with the fact that trial in the

case will take sufficiently long time, this Court deems it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that in case the petitioner is found indulged in any other case of similar nature, the State shall be at liberty to seek cancellation of bail granted in the present case.

The petitioner is directed to get his presence marked at Police Station Civil Lines, Rohtak, on quarterly basis i.e. after every three months, for a period of one year, starting from 01.03.2021, so that his activities can be monitored by the police.

February 15, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No