

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

CRM-M-32876-2020

Date of Decision: January 25, 2021

ASHOK KUMAR @ KAKA

..... Petitioner(s)

Versus

STATE OF HARYANA

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikas Bishnoi Godara, Advocate for the petitioner.
Ms. Upasna Dhawan, AAG., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This is the petitioner's second petition seeking concession of bail pending trial in FIR No.222, dated 23.08.2019 under Sections 15, 22-C of the NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

Learned counsel for the petitioner submits that petitioner has been in custody since 23.08.2019. Alleged recovery effected from the petitioner is 127.5 grams of alprazolam and 7 kilograms of poppy straw. The petitioner, it is submitted, is not involved in any other criminal case. Learned counsel for the petitioner refers to order dated 26.03.2019 in CRM-M-4796-2018 and order dated 24.01.2020 in CRM-M-44873-2019, to submit that concession of bail pending trial in similar cases where quantity recovered was marginally over the commercial quantity, has been afforded to the accused. Alprazolam allegedly recovered from the petitioner, it is stated is marginally over the commercial quantity and poppy straw is of small quantity. Learned counsel further submits

that first petition filed by petitioner was withdrawn on 27.08.2020 and since then trial has not made any headway. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from SI Pushpinder Kumar, verifies that petitioner is not involved in any other criminal case. Final report under Section 173 Cr.P.C. stands presented. Charge was framed in this case on 27.01.2020. It is informed by learned counsel for the State that out of 14 prosecution witnesses none has been examined as on date. It is a matter of record that petitioner has been in custody for nearly one and a half year.

Due to outbreak of the pandemic COVID-19 much progress is not being made towards conclusion of the trial. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer. There is no allegation that petitioner is likely to abscond or influence witnesses.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing heavy bail bonds and local surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 25, 2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No