

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Through Video Conferencing)**

CRM-M-34313-2020

Date of Decision: 15.01.2021

JAGAT RAM @ PANKAJ

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

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

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1908 for grant of regular bail to the petitioner in case FIR No.98 dated 09.05.2015 registered under Sections 20 of the NDPS Act, 1985 (Section 29 of the NDPS, 1985 added later on) at Police Station Sadar Sri Naraingarh, District Ambala.

Learned counsel for the petitioner contends that in compliance of the order dated 02.12.2020, learned State counsel has very fairly admitted that the order declaring the petitioner a Proclaimed Offender has been set aside vide order dated 27.11.2020 passed by the Sub-Divisional Judicial Magistrate, Naraingarh. Learned State counsel, on instructions from ASI Jai Kumar, has further admitted that the name of the petitioner was arrayed as an accused only on the basis of the alleged disclosure statement purportedly made by the co-accused (Sachin) from whom the narcotic substance i.e. *Charas* was effected. He has conceded that no recovery was effected from the petitioner.

Learned counsel for the petitioner has contended that the petitioner has been in custody since 04.09.2019. He submits that the trial is unlikely to conclude in the near future as only the challan has been presented way back in the month of October 2019 and charges have not yet been framed. Moreover the evidentiary value of the disclosure statement of the co-accused on the basis of which the petitioner is nominated as an accused is admittedly of very weak nature. Hence, he may be extended the concession of regular bail.

Heard

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 04.09.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

January 15, 2021
Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>
<i>Whether Reportable</i>	:	<i>Yes / No</i>