

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.36279 of 2020
Date of Decision:24.03.2021

CHARAN SINGH @ CHARNA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Mr. Apoorav Garg, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Petitioner has filed this petition under Section 439 of Cr.P.C.
for grant of regular bail in case FIR No.3 dated 05.01.2019 registered under
Sections 15 of NDPS Act, 1985 at Police Station Dabwali Sadar, District
Sirsa.

Learned counsel for the petitioner states that the recovery
allegedly effected from the petitioner and co-accused namely, Krishan
Kumar is 100 KG of poppy husk. He further states that the petitioner has
been in custody since 05.01.2019 and that co-accused Krishan Kumar has
already been granted bail vide order dated 17.02.2020 passed by this Court.
He also points out that due to Covid-19 pandemic situation, there was
headway in the trial proceedings and now the same are pending for

28.07.2021 for prosecution evidence.

Learned State counsel has not disputed the factum of the custody period of the petitioner, but states that in the present case, out of 13 witnesses, 4 have been examined and the case is not fixed for the remaining prosecution evidence. He, while relying upon the judgment of Hon'ble the Supreme Court in case title as State of Kerala etc. vs. Rajesh Etc., (2020) 1 RCR (Criminal) 818, states that as the recovery effected in this case falls in commercial quantity, Section 37 of the NDPS Act bars the grant of bail to him. He also points out that there are two more cases pending against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.01.2019 and due to prevailing situation of Covid-19, the trial will take time to conclude. As noticed above, co-accused Krishan Kumar has already granted bail by this Court on 17.02.2020. Thus, no useful purpose would be served by detaining the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

March 24, 2021

Jyoti-T Whether speaking/reasoned Yes/No Whether Reportable Yes/No