

In the High Court of Punjab and Haryana at Chandigarh

208-2

CRM-M-36487-2020 (O & M)

Date of Decision: July 05, 2021

FRANK JOSEPH

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms.Garima Sharma, Advocate for the petitioner.

Mr. Vijesh Sharma, Addl. AG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking regular bail in FIR No.189 dated 13.04.2020, under Sections 307, 279, 269, 188, 427 IPC, 21 (c), 27 (a) of the NDPS Act and 51 of D.M. Act, registered at Police Station Barwala, District Hisar.

Learned counsel for the petitioner contends that neither the petitioner named in the FIR nor any recovery has been effected from him. He has been arraigned as an accused on the statement of co-accused Ashwani. Recovery of 1 kg heroin had been effected from co-accused Pardeep and Ashwani. No recovery has been effected from the petitioner even after his arrest in the instant case. The petitioner is not involved in any other case under the NDPS Act. He is in custody for over 01 year and 02 months.

Learned State counsel states that the petitioner is in custody since 17.04.2020. He further contends that the challan has been filed but charges are yet to be framed.

In view of the above, especially when no recovery has been effected from the petitioner, he is in custody for over 01 year and 02 months, he is not involved in any other case under the NDPS Act, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

July 05, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No