

CRM-M-40311 of 2020

**217IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40311 of 2020
Date of decision: 21.01.2021

Surender

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J.S. Thind, Advocate,
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks the grant of regular bail in FIR No.89 dated 07.04.2020 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Agroha, District Hisar.

Briefly stated, the petitioner is sought to be prosecuted for driving an ambulance in which his co-accused were travelling and from two of them 250 grams each of heroin was recovered.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the case; there is no other criminal case in which the petitioner is involved; no recovery of any narcotics has been

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made from the person of the petitioner; report under Section 173 Cr.P.C. has been filed therefore petitioner is not in a position to influence the investigation; petitioner has been in custody since 7.4.2020 and that petitioner's trial which is yet to begin in which there are as many as 15 prosecution witnesses is likely to take a long time to conclude.

Learned State counsel admits to the period of incarceration of the petitioner; the fact that there is no other criminal case against him but opposes the grant of bail to the petitioner on the ground that his co-accused were found in possession of 500 grams of heroin and that if released on bail the petitioner may indulge in similar offences.

Whether the petitioner has been falsely implicated in the case and recovery from his co-accused could be considered from his person would be debated during the course of trial. However, petitioner has been in custody since 7.4.2020; there is no other criminal case in which the petitioner is involved; report under Section 173 Cr.P.C. has been filed therefore the petitioner is in no position to influence the investigation and the petitioner's trial which is yet to begin and in which there are as many as 15 prosecution witnesses is likely to take a long time to conclude especially in the present circumstances when the world is facing Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hisar, the petitioner is directed to be released on bail.

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It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

January 21, 2021
R.S.

(Deepak Sibal)
Judge

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