

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

CRM-M-43244-2020(O&M)

Date of decision : 04.01.2021

Parhlad

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. D.S. Virk, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.342 dated 20.10.2020 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner would contend that the allegations against the petitioner, in the present case, are that 20 kgs of poppy-husk had been recovered from the Innova Car which was owned and was driven by the petitioner herein. Learned counsel for the petitioner would further contend that the quantity recovered is non-commercial in nature and that there are no other cases pending against the petitioner. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case. It has further been contended that the challan has already been presented in the present case and

no useful purpose would be served by detaining the petitioner in custody any longer.

Learned counsel for the State on instructions from ASI Rajesh Kumar has stated that the challan has already been presented in the present case and that there is no other case pending against the petitioner.

In view of the above and considering the fact that the quantity of alleged recovery effected is non-commercial in nature and the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

(ALKA SARIN)
JUDGE

04.01.2021
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO