

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-44323 of 2020 (O&M)
Date of decision : January 11, 2021

Naseeb

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. DS Virk, Advocate, for the petitioner
Mr. Sumit Gupta, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The accused-petitioner Naseeb who is in custody since 11.9.2019 in case FIR No. 228 dated 11.9.2019 under Section 15/61 of NDPS Act, 1985, Police Station Sadar Narwana, District Jind has come up in this regular bail application.

The brief allegations are that on 11.9.2019, on the basis of secret information, the police apprehended four persons including

the petitioner from two vehicles and the petitioner at that time was sitting in the cabin of truck bearing No. MP09-HG-6449. On search of the vehicle, 68.240 kgs of poppy husk was recovered.

Learned counsel for the petitioner inter-alia contends that the petitioner is behind the bars since long time and that the alleged recovery is from the vehicle and has sought to debate the fact as to the conscious possession of the contraband.

The learned State counsel does not displace the facts but has stoutly opposed the bail on the grounds that huge quantity of contraband has been recovered and in view of the heinousness of the offence disentitles the petitioner to any relief.

It is the own case of the prosecution that four persons were apprehended from two vehicles and thus, a debatable issue arises over the very conscious possession of the contraband and the same can only be adjudicated at the time of the trial. The petitioner is behind the bars for more than one year and four months. In view of the COVID-19 pandemic situation and the fact that the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 11, 2021
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(Fateh Deep Singh)
Judge

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