

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-26775-2020****Date of decision : 20.04.2022****Ravinder Kumar @ Sammi****....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Prashant Mahajan, Advocate for
Mr. P.S.Hundal, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.65 dated 01.04.2020 under Sections 21 and 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Shahzadpur, District Ambala, who is in custody since his arrest on 01.04.2020.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Ambala in the order dated 16.07.2020 are as under:-

“Brief facts lodged on the complaint of ASI Jatinder Kumar stating that on 01.04.2020 he alongwith co-police officials was on government vehicle and when they were on patrolling near Shehzadpur, a secret information was received that one Ravinder Kumar who is indulged in business of narcotics will come from village Rajouli side towards national high way, alongwith narcotics, can be apprehended. On this barricades were installed and required notices were prepared. At about 4.00 P.M one boy was seeing coming

from village Rajouli having one polythene in his hand and on seeing the police party, he turned back and started walking briskly. On this, he was apprehended and disclosed his name as Ravinder Kumar and was asked for search, after serving notice under Section 50 of the Act and then he was searched in the presence of BDPO Shahzadpur. On checking the polythene in his hand, 60 strips of Parvon Spas Plus Capsules were got recovered (total 600 capsules, weighing 360 grms without strip). On this, instant FIR was lodged.”

Learned counsel has argued that except for the present case, petitioner is not involved in any other case much less of similar nature and after recovery of 600 capsules (Parvon Spas Plus), the petitioner was arrested, but because of breakout of COVID-19, he was released on interim regular bail vide order dated 24.11.2020. He submits that the investigation of the case is complete and the said concession has not been misused by him, therefore, he be released on bail.

On the other hand, learned State counsel assisted by SI Ramesh Kumar opposes the prayer on the ground that the quantity recovered falls under commercial quantity, but does not dispute the above sequence narrated by learned counsel for the petitioner. He fairly states that only one prosecution witness has been examined out of total 15 witnesses.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as fourteen prosecution witnesses remain to be examined, therefore, further detention of the petitioner may not serve

any useful purpose, who is presently confined in judicial custody after his arrest on 01.04.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

20.04.2022

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