
(2021) 02 P&H CK 0185

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous Petition (M) No. 22806 Of 2020

Amandeep Singh

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision: Feb. 17, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439, 482
- Narcotic Drugs And Psychotroic Substantes Act, 1985 - Section 15

Citation: (2021) 02 P&H CK 0185

Hon'ble Judges: Hari Pal Verma, J

Bench: Single Bench

Advocate: B.S. Saroha, Gaganpreet Kaur

Final Decision: Allowed

Judgement

Hari Pal Verma, J

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 read with Section 482 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case

FIR No.711 dated 26.12.2019 registered under Section 15 of NDPS Act, 1985 at Police Station Pehowa, District Kurukshetra.

The allegation against the petitioner is that 102 kilograms poppy straw (chura post) was recovered from his conscious possession.

Counsel for the petitioner submits that the petitioner is in custody since 26.12.2019. Challan in the case has been presented on 19.06.2020 and charges

are yet to be framed. The next date before the trial Court is 01.04.2021. Trial is not likely to be concluded in the near future as one of the co-accused

has been declared PO. There is no other case against the petitioner.

Learned State counsel does not dispute the custody and the fact that there is no other case against the petitioner.

I have heard learned counsel for the parties.

Noticing the fact that the petitioner is in custody since 26.12.2019 and challan was presented on 19.06.2020 and thereafter, on account of Covid-19

pandemic, trial could not proceed ahead coupled with the fact that there is no other case against the petitioner, this Court deems it appropriate to admit

the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of trial Court/Duty Magistrate.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek

cancellation of his bail.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the

basis of available material.