

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

CRM-M- 25038-2020 (O&M)

Date of Decision: August 31, 2020

(Heard through video conferencing)

Gurcharan Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ajay Arora, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is the third bail petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.265 dated 09.09.2018, under Section 22 of NDPS Act, registered at Police Station Sadar Sirsa.

Learned counsel for the petitioner contends that the petitioner herein was released on interim bail as FSL report had not been filed. He surrendered on receipt of the FSL report on 11.12.2019. It is submitted that the petitioner has been falsely implicated in the present case and the co-accused Lokesh Kumar has already been allowed regular bail by this Court in CRM-M-32842-2019 whereas co-accused Manjit Singh has been allowed regular bail by this Court in CRM-M-33247-2019. It is further contended

that the petitioner after having been granted interim bail could not surrender before the Court in time as his father had to undergo heart surgery. No recovery is to be effected from the petitioner and there is no other case pending against him whereas due to Pandemic COVID-19, the trial will take sufficient time to conclude, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offence alleged against the petitioner is serious in nature and that the petitioner was apprehended on the spot on 09.09.2018, after which he was allowed interim bail pending FSL report on 25.01.2019 pursuant to which he was supposed to surrender before the trial Court by 16.07.2019 but he failed to do so. He surrendered only on 11.12.2019 and therefore, if released on bail, he is most likely to abscond, however, she does not dispute the fact that the petitioner is in custody since December, 2019 and no other case is pending against him.

I have heard learned counsel for the parties.

In view of the restricted working of the Courts, due to pandemic COVID-19 situation, the trial is likely to take some time. Admittedly, the petitioner failed to surrender before the trial Court on account of heart surgery of his father. Be that as it may, in view of the facts that the petitioner herein has been in custody since long and that the challan has been presented and the co-accused Lokesh Kumar and Manjit Singh having been allowed bail by this Court and there being no other case pending against him, no useful purpose would be served in keeping the

petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

(JAISHREE THAKUR)
JUDGE

August 31, 2020
seema

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No