

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-397-2020

Date of Decision: 28.08.2020

Jahid Ali @ Zahid Ali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

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

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.150 dated 27.10.2016 under Section 22 of the NDPS Act, 1985, registered at Police Station City-I, Malerkotla, District Sangrur.

As per FIR, on 27.10.2016 at about 7.00 PM, the petitioner was apprehended and on his search, 1000 intoxicant tablets make 'Phinotil' were recovered from him.

Learned counsel for the petitioner submits that total weight of the contraband comes to 62 grams. Petitioner is in custody since 30.12.2019. Earlier also he remained in custody from 29.10.2016 to 13.02.2017. Thus, as on date he is in custody for about 01 year, 01 month and 13 days and in view of COVID-19 pandemic situation, trial in the case is not likely to be concluded in the near future. Though there are two other

dated 17.10.2019 under Sections 20-21-29-61-85 NDPS Act, Police Station City-I, Malerkotla and FIR No.50/2018 under Section 21-61-85 NDPS Act, Police Station City-I, Malerkotla, however, the recovered quantity is 2 grams heroine(in each case) in those FIRs and the offence is triable by the Magistrate.

Learned State Counsel has filed the custody certificate. As per custody certificate, there are two more cases registered against the petitioner.

Heard learned counsel for the parties.

Present is a case for recovery of 62 grams of intoxicant tablets make Phinotil. Petitioner is in custody for about 01 year, 01 month and 13 days and in view of COVID-19 pandemic situation, trial in the case is not likely to be concluded in the near future, 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 adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

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.

August 28, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No