

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-11370-2020 in/&
CRM-M-2342-2020
Date of decision: 27.05.2020

Beant Singh

.... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S.Sandhu, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab

Manjari Nehru Kaul, J.

Due to the outbreak of Covid-19 pandemic, the case is taken up
for hearing through video conferencing.

CRM-11370-2020

This is an application for preponing the date of hearing to an
early date.

After hearing learned counsel for the petitioner, application is
allowed and the main case is taken up for hearing today itself.

Main case

Instant petition has been filed under Section 439 Cr.PC for
grant of regular bail to the petitioner in case FIR No.249 dated 28.11.2019
registered under Section 21 of NDPS Act and Sections 25 and 27 of Arms
Act, 1959 at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner
has been falsely implicated in the present case and has been in custody since
28.11.2019. It has been further submitted that the petitioner was shown to
be in possession of 40 grams heroin, which falls under non-commercial
quantity. Even .32 bore revolver along with 10 live cartridges, which were

shown to have been recovered from him were actually the licensed weapon of his father, who is admittedly staying with him. Not only this, the cash amounting to Rs.5,32,000/- which were recovered from the dashboard of the car pertains to the sale of agricultural produce by him and his family.

Learned counsel for the State, on the other hand, while opposing the prayer and submissions made by learned counsel for the petitioner has not been able to controvert the fact that the alleged recovery of heroin falls within the non-commercial quantity and the currency, which was recovered from the dashboard of the car pertains to the sale of agricultural produce by him. She further submits that the challan has been filed and the charges have been framed in the instant case and the prosecution evidence is due to commence on the next date of hearing.

Heard.

Having considered the submissions made by either side and the fact that the petitioner has been behind bars since 28.11.2019, this Court does not find any reason to decline the prayer of the petitioner for grant of regular bail. It is unlikely that the trial would conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.05.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes
Whether reportable?	No