

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

(Heard through VC)

CRM-M-3244 of 2020 (O&M)
Date of Decision: December 15, 2020

Jaspal Singh @ Jassa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mrs. Anupam Bhanot, Advocate
for the petitioner.

Ms. Samina Dhir, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.174 dated 06.11.2018, under Section 22 of NDPS Act, registered at Police Station Kamboj, District Amritsar.

Learned counsel for the petitioner *inter alia* would contend that the petitioner herein was taken into custody in the aforesaid FIR on 06.11.2018 and the trial is not proceeding. Counsel for the petitioner would contend that petitioner, who is 100% disabled person, has been falsely implicated in the present case. It is argued that this a case of chance recovery and, therefore, the ingredients of Section 50 of NDPS Act have not been complied with.

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 since the recovery was from a bag, personal search in the presence of the Gazetted Officer would not be required. It is also argued that the recovery falls within the commercial quantity and that there is an absolute bar under Section 37 of the Act in allowing bail. However, she does not dispute the fact that the petitioner is 100% disabled person.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 06.11.2018; investigation is complete as the challan has already been presented and because of Covid-19 pandemic, the courts are not functioning at their full strength, as such, 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.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

December 15, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No