

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**CRM-M-5049 of 2020(O&M)
Date of Decision: 03.06.2020.**

Tine Mustafa

....Petitioner

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Mohit Nehra, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Tine Mustafa** in case F.I.R. No.259 dated 26.09.2019 under Sections 21 and 29 of NDPS Act registered at Police Station Dera Bassi, District SAS Nagar (Mohali).

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further urges that even otherwise alleged recovery of 100 grams of Cocaine foisted upon the petitioner falls within non-commercial quantity. He further submits that petitioner is in custody since 27.09.2019 and he is no

more required by the Police for any investigation purpose. He further urges that challan has been presented in Court and trial has already commenced, thus, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 27.09.2019; that petitioner is no more required by the Investigating Agency for investigation purpose and since consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Tine Mustafa** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, SAS Nagar (Mohali), as the case may be. However, petitioner has been given liberty to defer the furnishing of surety bond due to COVID-19 and he is directed to furnish the surety bond to the satisfaction of Trial

CRM-M-5049 of 2020 :3:

Court/Chief Judicial Magistrate/Duty Magistrate, SAS Nagar (Mohali),
as the case may be, on culmination of nationwide lockdown due to
COVID-19.

(LALIT BATRA)
JUDGE

03.06.2020
rimpal

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