

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

**CRM-M-6349-2020
Decided on : 27.07.2020**

Gurjant Singh @ Lali

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Amit Arora, Advocate
for the petitioner(s).

Ms. Sakshi Bakshi, Asstt. AG, Punjab
assisted by ASI Jatinder Singh.

MANJARI NEHRU KAUL, J.

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

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 31, dated 19.06.2019, under Section 21 of the NDPS Act, registered at Police Station Harike, Tarn Taran.

Learned counsel for the petitioner *inter alia* contends that the alleged recovery of 260 grams of heroine, which is just marginally higher than the commercial quantity, has been falsely fastened upon the petitioner. He further contends that while affecting the alleged recovery, the mandatory provisions of the NDPS Act were not complied with, which lends credence to his false implication.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other criminal case, much less, under the NDPS Act. The petitioner is in custody since 09th June, 2019. The charges were framed on 06th December, 2019 and till date only 01 out of the 13

prosecution witnesses cited, so far have been examined. Hence, it is

unlikely that the trial would conclude in the near future. Hence a prayer for grant of concession of regular bail has been made .

On the other hand, learned State counsel while opposing the submissions made by learned counsel for the petitioner, has apprised this Court that the delay in trial has occurred on account of the outbreak of pandemic COVID-19. She further on instructions from ASI Jatinder Singh, has confirmed that the petitioner is not involved in any other criminal case, much less, under the NDPS Act.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 09th June, 2019, no useful purpose would be served in keeping the petitioner behind bars, as the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19. Accordingly, I deem it a fit case for grant of the concession of regular bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 27, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No