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

CRM-M-7839-2020

Date of Decision : 17.12.2020

KAUSHAL KUMAR @ SAHNI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Varun Dhawan, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.111 dated 28.07.2019 under Sections 20, 61.85 of NDPS Act 1985, Police Station Shimlapuri, District Ludhiana. The petitioner is in custody since his arrest on 28.07.2019.

Briefly stated, the facts of the case are that on 28.07.2019, petitioner Kaushal Kumar along with co-accused Shyam Kumar Sahni were apprehended while they were allegedly found in possession of 30 kg Ganja without any valid permit or licence. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the case set up by the prosecution is common qua him and the co-accused namely Sham Kumar, who has been released on bail vide order dated 18.06.2020

(Annexure A-1). He submits that though the investigation of the case is complete but till date even the charges have not been framed and therefore, the trial is likely to consume considerable time. He prays for bail during the pendency of the trial.

On the other hand learned State counsel has opposed the prayer on the ground that the quantity recovered falls within the ambit of commercial quantity. However it is not disputed that the co-accused has been granted bail and trial is yet to commence. He has produced the custody certificate of the petitioner and submits that he is not involved in any similar case.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner, this Court does not find any reason to decline the prayer. Apart from it, this Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 28.07.2019 and his further detention may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Ludhiana.

17.12.2020
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No