

205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10336-2020 (O&M)

Date of Decision: 26.11.2020

Sunny

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. H.S. Bhogal, Advocate,
for the applicant/petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

CRM-27934-2020:

Ld. Counsel for the applicant/petitioner is permitted to place on record the documents.

Application stands disposed off.

CRM-M-10336-2020:

The present petition has been filed under Section 439 of the Cr.P.C. by the petitioner, seeking regular bail in case FIR No.102 dated 02.07.2019, under Sections 21, 22, 25 and 29 of the NDPS Act, 1985, registered at Police Station Sadar, City Nawanshahr.

2. The petitioner was arrested on 02.07.2019, after which he was remanded to the Judicial Custody from 06.07.2019, and has thereafter remained in detention for one year, four months and twenty days, till today.

3. The alleged recovery from him was of contraband in the form of twenty injections of *Buprenorphine*, twenty injections of *Avil* and 20 grams of *heroin*. *Avil* is not covered under the prohibited drugs/substances under the NDPS Act, 1985. Recovery pertaining to *heroin* is of quantity much below the commercial quantity of 250 grams. With reference to the twenty injections of *Buprenorphine*, reliance of Ld. Counsel for the petitioner is on the decision of the Division Bench of this Court in “*Saleem Mohd. Vs. State of Punjab*”, **2015 (25) R.C.R. (Criminal) 816**.

4. The recovery from the petitioner, in the present case, is of lesser quantity, i.e. twenty injections of *Buprenorphine*.

5. Trial against the petitioner has commenced, but has become stalled on account of outbreak of Covid-19 pandemic. Only one witness, being the Malkhana Head Constable, is reported to have been examined from the prosecution side so far, and as many as twenty five other witnesses remain to be examined. The trial, in the circumstances, is likely to take its own considerable time to complete.

6. The petitioner is reported to be involved in an another case under the NDPS Act. But, interestingly, perusal of its details as mentioned in the Custody Certificate indicate that said FIR No.61, under Sections 21/22/29/31/61/85 of the NDPS Act, was drawn up on the very same date as the FIR in the present case, i.e. 02.07.2019, although in a different Police Station of the same District, and it further transpires that no actual recovery from the petitioner was effected in the said case and his custody was taken on the strength of a Custody Warrant.

7. As such, considering all the above circumstances, without

commenting any further on the merits of the present case as a whole and in view of the detention undergone by the petitioner, as also the fact that the trial is likely to take its own substantial time, particularly on account of the ongoing Covid-19 pandemic, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Disposed off.

26.11.2020

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No