

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

Crl. Misc. M-10688 of 2020 (O & M)

Date of decision: 27.08.2020

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Bashir Ahmed

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Arjun Veer Sharma, Advocate,
for the petitioner.

Mr. Hitten Nehra, Addl. A.G., Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 98 dated 13.08.2019 under Sections 15 and 25 of the NDPS Act, 1985, P.S. Machhiwara, District Khanna.

Counsel for the petitioner submits that the petitioner has undergone imprisonment for 1 year 9 days, which is vouched for by counsel for the State in view of custody certificate dated 27.08.2020 filed by the State.

It is the case of the counsel for the petitioner that recovery is of 55 kgs of poppy husk which is slightly above the commercial limit of 50 kgs as per the schedule of the NDPS Act, 1985. It is submitted that the petitioner is a resident of Kashmir and has been falsely implicated by the police and he had nothing to do with the said FIR. It is further submitted that there is no other case of similar nature against the petitioner.

A perusal of the FIR would go on to show that it is the case of

surprise checking at 12.15 p.m. of a Innova vehicle, which was being driven by one Gurpreet Singh. The petitioner was stated to be sitting alongside Gurpreet Singh. On being stopped, two plastic bags were seen kept in the car and when checking was being done, the driver drove away the vehicle leaving the petitioner in custody of the police. Admittedly, the said accused as such is stated to have not been arrested thereafter and now the case is fixed for 04.09.2020 for declaring him as a proclaimed offender.

Keeping in view the above facts and the fact that trial is likely to take considerable time specially in view of the Covid-19 pandemic and since charge has been framed on 12.02.2020 but none of the 13 witnesses have been examined yet, this Court is of the opinion that the petitioner is entitled for the grant of regular bail.

Accordingly, the petition is allowed. The petitioner be released on bail to the satisfaction of the Illaqa Magistrate/Duty Magistrate, Ludhiana. Keeping in view the fact that the petitioner is a resident of Kashmir, the Magistrate shall ensure that heavy bail bonds are furnished to secure his presence during his trial.

Since regular bail has been granted to the petitioner in the main petition, application for granting interim bail i.e. Crl. Misc. 11267 of 2020 is dismissed as having been rendered infructuous.

27.08.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No