

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-11174 of 2020

Date of Decision: September 14, 2020

Gaurav Thakur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Avtar S. Khinda, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, 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.206 dated 04.12.2019, under Section 21 N.D.P.S.Act, 1985, registered at Police Station, Division A, Amritsar, District Police Commissionerate, Amritsar. The petitioner is in custody since his arrest on 04.12.2019.

As per the allegations in the FIR, on 04.12.2019, ASI Baljit Singh along with the traffic staff, apprehended one youngster at bus stop near the Kainchi Gate, G.T.Road. On enquiry, he disclosed his name as Gaurav Thakur son of Arun Kumar. His search was conducted and 260 grams of heroin rapped in a polythene was recovered from the right pocket of his jacket. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that as per the prosecution, 260 grams of heroin was recovered from the petitioner, which was contained in a polythene bag. It is pointed out that the weight of the contraband also includes the weight of the bag as well and, therefore, as the

alleged quantity is marginally above the non-commercial quantity, i.e.250 grams, the further custody of the petitioner may not be necessary. According to him, the trial is not making any progress because of the on-going pandemic, therefore, petitioner be released on regular bail.

On the other hand, learned State counsel assisted by ASI Neeraj Kumar, has opposed the prayer. However, it is not disputed by him that the petitioner is not involved in any other case of similar nature. According to the learned State counsel, the final report was filed on 29.05.2020 and the charges are yet to be framed.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 04.12.2019, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, 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, Amritsar.

The petition is allowed.

September 14, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No