

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

**CRM M-12349 of 2020 (O&M)
Date of Decision: June 04, 2020**

Jagdish SinghPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Tarun Sharma, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. A.G. Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Jagdish Singh, who is in custody has moved this first regular bail application under Section 439 of Cr.P.C. in FIR No. 0262 dated 05.12.2019 under Section 21 of Narcotic Drugs and Psychotropic Substance Act, 1985

(hereinafter to be referred as '**the NDPS Act**'), Section 29 of the Act has been added vide order dated 27.05.2020 and Section 25 of Arms Act 159, Police Station Shahkot, District Jalandhar Rural.

The facts canvassed before this Court are that on 05.12.2019, the police apprehended a motorcycle, which was being driven by Gurwinder Singh non-applicant, on which the petitioner is alleged to have been sitting on the pillion. On the personal search of the accused 200 grams of Heroin was recovered leading to the registration of the present case.

Mr. Tarun Sharma, learned counsel for the petitioner *inter alia* contends that the petitioner is in custody for almost 6 months and that the trial is not likely to be concluded in near future.

Mr. Sandeep Vermani, Addl. A.G. Punjab has though accepted that the recovery has fallen within the non-commercial but has opposed the bail on the ground that from the bag of his co-accused another recovery has been effected and, therefore, the petitioner is not entitled to any relief.

Going through the submissions to the specific query of the Court, learned State counsel could not convince any connectivity between the petitioner and Gurwinder Singh, which has been incidentally recovered from the two accused

separately.

In view of the non-commercial nature of the recovery and the fact that the petitioner is behind the bars, this Court deems it appropriate to grant the bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

June 04, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No