

CRM-M-12539-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-12539-2020

Date of Decision: 8th June, 2020

Rajwinder Singh @ Rajinder Singh @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl.A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.57, dated 25.06.2019, registered at Police Station Special Task Force, SAS Nagar, Mohali, under Sections 21, 25, 27-A & 29 of the Narcotic Drugs and Psychotropic Substances Act.

On the last date of hearing i.e. 29.05.2020, this case was adjourned to 02.06.2020 to ascertain as to whether the charge would be framed or not?

Learned counsel for the petitioner informs the Court that no proceedings have taken place before the trial Court because of the prevailing pandemic and the case stands adjourned to 13.07.2020. His contention is that no recovery has been effected from the petitioner and

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recovery of 50 grams of heroin which has been effected from co-accused Gaurav Sharma has been granted the benefit of regular bail by this Court vide order dated 30.01.2020 passed in CRM-M-41362-2019, titled as 'Gaurav Sharma Vs. State of Punjab' (Annexure P-3) being non-commercial quantity. He contends that the petitioner is in custody since 25.06.2019 and is about to complete one year. The trial as yet has not proceeded as the case being adjourned because of the prevailing situation. Continuation of the petitioner in custody would not serve any purpose especially when there is no other case against him registered under the Narcotic Drugs and Psychotropic Substances Act. He, thus, prays that the petitioner be granted the benefit of regular bail.

Learned counsel for the State, on the other hand, contends that the petitioner is involved in the commission of heinous crime of smuggling under the Narcotic Drugs and Psychotropic Substances Act, however, he could not dispute the fact that no recovery has been effected from the petitioner and that he is in custody since 25.06.2019 with the trial not proceeded because of the situation which is prevalent as of now.

I have considered the submissions made by the learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 25.06.2019 and the trial has still not proceeded in the matter because of the prevailing circumstances with the fact that co-accused, namely, Gaurav Sharma, has been granted the benefit of regular bail by this Court vide order dated 30.01.2020 passed in CRM-M-41362-2019, titled as 'Gaurav Sharma Vs. State of Punjab' (Annexure P-3), this criminal

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miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

8th June, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No