

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

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**CRM-M No.12582 of 2020 O&M)
Date of decision:15.10.2020**

Sukhpal Singh @ Raj

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ranbir Singh Sekhon, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-10800-2020

Counsel for the petitioner undertakes to file process fee and court fee/welfare stamp within a period of one week from today.

Application is disposed of.

Main case

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.189, dated 10.12.2019 registered under Section 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 61 of NDPS Act has been wrongly mentioned in the petition) at Police Station Sadar Sri Muktsar

Sahib, District Sri Muktsar Sahib.

Counsel for the petitioner contends that the petitioner was the pillion rider on a scooty which was being driven by co-accused, Harjinder Singh, who was transporting the contraband. Reference has also been made to the statement of Rimpa son of Ashok Kumar, Annexure R-1, the owner of the scooty, who stated that he had given his scooty to co-accused Harjinder Singh. Counsel contends that the petitioner was innocent rider on the vehicle which is apparent from the fact that he did not slip away from the spot, unlike the co-accused, when the scooty was intercepted. He urges that the petitioner has unblemished antecedents and is in custody since December, 2019 and as trial is not progressing due to the outbreak of Corona Virus (Covid 19), he is entitled to be enlarged on bail.

Per contra, State counsel upon instructions from ASI Kulwant submits that 2400 tablets of Clovidol 100 SR (Salt Tramadol Hydrochloride) were recovered from the vehicle. The recovery falls within the non-commercial category and the bar under Section 37(1)(b) of the NDPS Act comes into play. He however, could not deny the fact that there is no other criminal case pending against the petitioner. He has filed the custody certificate dated 14.10.2020 which shows that the petitioner is in prison for the last 10 months and 02 days. Upon further instructions, he submits that the challan was filed on 19.05.2020 but the charges have not yet been framed.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of

incarceration of the petitioner, nature of allegations against him and the fact that the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

15.10.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No