

CRM-M-12712-2020 (O&M)

Date of decision: 09.11.2020

Karma @ Shora

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. R.S. Sekhon, Advocate
for the petitioner.Mr. Jagmohan Ghuman, DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The allegations against the accused/petitioner-Karma @ Shora in this first regular bail application moved under Section 439 Cr.P.C. in a case bearing FIR No.63 dated 27.07.2019 under Section 22 of the NDPS Act (Sections 25/61 of the NDPS Act added later on) registered at Police Station Lakho Ke Behram, District Ferozepur are as follows:-

The allegations against the petitioner are on the basis of secret information received by the police. They accosted the accused who along with his co-accused/non-applicant-Jand Singh

were coming on a motor bike and on seeing the police, threw a bag containing 250 intoxicating tablets and subsequently, from the search of the motor bike, from the dicky, another 670 tablets were recovered, in all numbering 920.

Learned counsel for the petitioner *inter alia* contends that the co-accused/non-applicant-Jand Singh has already been allowed bail by this Court vide order dated 11.08.2020 and that the petitioner is behind the bars since more than 01 year 03 months and 09 days and has placed reliance on CRM-M-16336-2020 (O&M) decided on 29.07.2020 titled as **'Sanjay Kumar versus State of Punjab'**, CRM-M-15530-2020 (O&M) decided on 24.07.2020 titled as **'Sagar Arora versus State of Punjab'**, CRM-M-19285-2020 decided on 06.08.2020 titled as **'Taranjit Singh @ Tarni versus State of Punjab'**, CRM-M-46318-2019 decided on 17.12.2019 titled as **'Jagsir Singh @ Seera versus State of Punjab'** and CRM-M-16824-2020 decided on 30.06.2020 titled as **'Raj Kumar versus Narcotic Control Bureau, Chandigarh'**, to seek parity.

The learned State counsel though does not displace the facts but has strongly opposed the grant of bail on the grounds of heinousness of the offences.

Admittedly, similarly placed co-accused has been allowed bail by this Court. The petitioner is behind the bars since more than 01 year and almost 04 months. Keeping in view the present COVID-19 pandemic and that the investigation and trial is not likely to be

concluded in the near future, it would be travesty of justice to keep him in custody for more time. In light of the present scenario, where efforts are being made by the authorities to decongest the jails to prevent the further spread of malady and present case is the only one and in view of the ratios cited at the bar, this Court, without commenting on the merits of the case, impels to allow the present petition.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

09.11.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No