

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

(Heard through VC)

CRM-M-12560 of 2020 (O&M)
Date of Decision: December 15, 2020

Jagwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. K.S. Brar, Advocate
for the petitioner.

Ms. Samina Dhir, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.41 dated 16.02.2020, under Section 22 of NDPS Act, registered at Police Station Sadar Bathinda, District Bathinda.

Learned counsel for the petitioner *inter alia* would contend that the petitioner herein was taken into custody in the aforesaid FIR on 16.02.2020 and the trial is not proceeding. He submits that the petitioner has been falsely implicated in the present case. He would rely upon a resolution passed by the Gram Panchayat, which would reflect that the petitioner, in fact, had been apprehended from within his house instead of from a car, as reflected in the FIR. Counsel would also argue that a

recovery of 20 bottles of Wincirex (100 ml each) has been shown from the petitioner. He would also rely upon orders passed by the Coordinate Benches of this court wherein, in similar circumstances, bail has been allowed.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the contraband recovered from the petitioner falls under the commercial quantity.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 16.02.2020; investigation is complete as the challan has already been presented and because of Covid-19 pandemic, the courts are not functioning at their full strength, as such, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

December 15, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No