

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

CRM-M-12605-2020

Date of Decision: 21.5.2020

Vikas

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Mikhail Kad, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. Case is taken up for hearing today through video conferencing due to pandemic of COVID-19.

2. This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner pending trial in case FIR No. 21 dated 22.01.2020 under Section 22, 61, 85 of the NDPS Act, 1985 registered at Police Station City Sangrur and District Sangrur.

3. Heard.

4. Notice of motion to the Advocate General, Punjab.

5. Mr. Ajay Pal Singh Gill, DAG Punjab appears on behalf of the State of Punjab.

6. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case as the recovery of 500 tablets Marka Tramadol Hydrocholride Clovidol 100 SR and 1200 tablets of Alprasafe tablets has been falsely foisted upon the petitioner which is non-commercial quantity and no offer of search was given to

petitioner. He further contends that mandatory provisions of Section 42, 50 and 57 of the Act have not been complied with and FIR has been registered by surpassing all the provisions of the Act and the Code of Criminal Procedure.

7. Counsel representing the State of Punjab has opposed application for bail but did not contest correctness of submissions made by counsel for the petitioner.

8. I have heard learned counsel for the parties and gone through the paper-book.

9. Learned counsel for the petitioner submits that the petitioner is suffering from chronic disease and is HCV reactive and his health is deteriorating day by day and is not getting proper treatment in jail.

10. Having heard learned counsel for the parties and without any opinion on merits of the case, I am of the considered view that no useful purpose would be served by keeping the petitioner in jail. The petitioner is in judicial custody since 22.01.2020. It appears to be a fit and proper case for grant of bail pending trial.

11. In view of the above, this petition is allowed. The petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

(RAJIV NARAIN RAINA)
JUDGE

21.5.2020

kv

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*