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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12648 of 2020
Date of decision : 03.6.2020

Hardeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. J.S.Thakur, Advocate for the petitioner

Mr. S.P.S.Tinna, Addl. A.G.Punjab.

G.S. Sandhawalia, J. (Oral)

The matter has been taken up by way of Video Conferencing in view of Covid-19 situation as per instructions issued.

The petitioner seeks regular bail in FIR No.235 dated 27.12.2019 under Sections 18,61,85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, Bhogpur, District Jalandhar Rural during the pendency of trial. He has been in custody for over 5 months, since the date of lodging of the FIR i.e. 27.12.2019. The incriminating material which has been recovered from the conscious possession of the petitioner is 2.650 Kilograms opium which is slightly above the commercial quantity of 2.500 Kilograms.

A perusal of the FIR would go on to show that it was a chance recovery by the police officials. Counsel for the State submits that two persons have been detained and from other person namely Surjit Singh 400 grams opium was recovered and admittedly he has been released on

bail.

Resultantly, counsel for the State has opposed the bail on the ground that the recovery is of commercial quantity and the Special Judge was justified in rejecting the bail application. However, counsel for the State on instructions from ASI Mr. Ajit Singh submits that the present petitioner has no other case of similar nature registered against him. Investigation has already been completed and challan had already been filed and the case is now fixed for 17.6.2020 for framing of charge.

Keeping in view the fact that the trial is not likely to be completed in the near future in view of the peculiar situation arising out of Pandemic Covid-19 and quantity of recovery of opium is marginally higher than the commercial quantity, this Court is of the opinion that the petitioner is liable to be released on bail.

Ordered accordingly.

Accordingly petitioner be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Jalandhar.

Accordingly the present petition stands disposed of.

03.06.2020
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(G.S. Sandhawalia)
Judge