

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

(Heard through VC)

CRM-M-14107 of 2020 (O&M)

Date of Decision: July 21, 2020

Balwinder Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Swati Verma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG 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.70 dated 30.03.2019, under Section 22 of NDPS Act, registered at Police Station Sadar Khanna.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 30.03.2019. It is argued that the petitioner has been falsely implicated in the present case. Learned counsel for the petitioner would rely upon judgments rendered by this court in *Roopa Rani and another vs. State of Punjab and another, 2020(1) Law Herald 507, State of Punjab vs. Dharam Singh, 2010(3) RCR (Criminal) 94, Kulwant Singh @ Happy vs. State of Punjab, 2015 (29) RCR (Criminal) 896, Daler Singh vs. State of Punjab, 2018(2) Law*

Herald 1215, Harbans Singh @ Kala vs. State of Punjab, 2014(1) RCR (Criminal) 493 to contend that the State ought to have sent all the loose tablets recovered for testing to the FSL, however, only a few tablets were sent. It is also submitted that charges were framed in this matter on 04.10.2019 and as on date, no witness has been examined. It is also contended that due to Covid-19 pandemic situation, it will take sufficient time to conclude the trial, therefore, the petitioner is entitled to be enlarged on bail.

Reply filed by the respondent-State by way of an affidavit is taken on record.

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 offence alleged against the petitioner is serious in nature. It is argued that since in the present case name of tablet and manufacture were written on the sealed pouches, therefore, there was no need of sending whole contraband for chemical examination.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been in custody since 30.03.2019 and due to Covid-19 pandemic situation, the courts are not functioning at their full strength, trial is likely to take time to conclude, 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.

July 21, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No