

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 216

CRM-M-14280-2020 (O&M)

Date of decision : 11.12.2020

Barinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Prateek Pandit, Advocate, for the petitioner.

Mr.Amit Mehta, Sr.DAG, Punjab.

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DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.110 dated 09.06.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Goraya, district Jalandhar.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case and in this regard has drawn the attention of this Court to a CCTV footage; he is already in custody for over one year and two months; he is not involved in any other criminal case; while he was on interim bail he has not misused such concession; for the last about ten months no effective proceedings have taken place in his trial and that since nine witnesses still remain to be examined in his trial the same will take a long time to conclude.

Learned State counsel admits to the period of the petitioner's incarceration; his non-involvement in any other criminal case and that for the last about ten months no effective proceedings have taken place in his trial but opposes the grant of bail to the petitioner on the ground that he was found in

illegal possession of 180 grams of Alprazolam and that if he is released on bail he may indulge in similar offences.

The issue with regard to the petitioner's false implication in the present case shall be debated during the course of the trial. However, the petitioner has been in custody for the last over one year and two months; he is not involved in any other criminal case and while he was on interim bail he has not misused such concession; for the last about ten months no effective proceedings have taken place in his trial and that since nine witnesses still remain to be examined in his trial the same will take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

11.12.2020  
shamsher

[ DEEPAK SIBAL ]  
JUDGE

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |