

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

CRM-M-14474 of 2020 (O&M)

Date of Decision :24.06.2020

Dharminder Singh

...Petitioner

Versus

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Harpreet Singh Multani, DAG, Punjab.

B.S.WALIA, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner during the pendency of the trial in case FIR No.82 dated 31.08.2019, registered under Section 22 of the NDPS Act, 1985, at Police Station GRP Bathinda, District Bathinda.

3. Learned counsel contends that the alleged recovery from the petitioner is of 20 vials of *onerex* of 100 ml each and that as per the report of chemical examiner, vials of *onerex* contains the salt of *codeine phosphate*. Learned counsel further contends that although the place of recovery was a railway station, which is having a large number of people moving about, however, neither any independent witness was associated nor was recovery made from the conscious possession of the petitioner as

recovery was made from a bag containing the vials as was allegedly thrown by the petitioner.

4. Learned counsel contends that neither was any offer given under Section 50 of the NDPS Act nor was any independent witness joined. The petitioner is in custody since 31.08.2019, investigation is complete, challan has been presented and examination of the witnesses is scheduled for 06.07.2020 and that out of eleven witnesses, none has been examined till date. Learned counsel for the petitioner has relied upon the decision of this Court in CRM-M-33434 of 2016, Amarpal Singh alias Pal vs. State of Punjab, decided on 26.09.2016, involving recovery of 55 vials of *rexcof* 100 ml each (same salt i.e. codeine phosphate as admitted by the learned DAG Punjab). Learned counsel has also relied upon the decision of this Court in CRM-M-6433 of 2018, Pawan Kumar vs. State of Punjab, decided on 23.02.2018, in which recovery was made from a bag alleged to have been thrown by the accused.

5. The trial is likely to take considerable period of time to conclude and no useful purpose would be served by keeping the petitioner in custody especially during the prevalent pandemic Covid-19 situation in the country. Moreover, it has not been disputed by the learned DAG Punjab that the petitioner is not involved in any other case.

6. Heard learned counsel for the parties.

7. Petitioner is stated to be not involved in any other case, investigation is complete, challan has been presented and out of eleven witnesses, none has been examined. Therefore, without making any

observation on the merits of the case, the petition for bail is allowed. Accordingly, the petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the learned CJM/trial Court/Duty Magistrate, concerned.

8. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S.WALIA)
JUDGE

24.06.2020
amit/rajesh

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