

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

CRM-M-14465 of 2020

Date of Decision :24.06.2020

Chukwnebuku

...Petitioner

Versus

UT Chandigarh

...Respondent

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

Present: Mr. Ashish Pal Kaushal, Advocate for the petitioner.

Mr. Deepinder Brar, Standing Counsel for UT Chandigarh.

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.341 dated 07.11.2019, registered under Section 21 of the NDPS Act, 1985 and Section 14 of the Foreigners Act, 1946, at Police Station Sector-17, Chandigarh.

3. Heard learned counsel for the parties.

4. As per prosecution version, alleged recovery is of 55.82 grams of heroin from the petitioner, who was arrested on 07.11.2019. Learned Counsel contends that investigation is complete, challan stands filed on 04.01.2020, charges have since been framed and out of thirteen witnesses, two witnesses have been examined and the case is now fixed for examination of prosecution witnesses on 07.07.2020.

5. Learned counsel for the petitioner contends that the trial will take considerable period of time to conclude. Learned counsel also referred to

the decision of this Court in CRM-M-7863 of 2017, in case titled as Ugochukwu Henry vs. State of Punjab, involving recovery of 300 grams of heroin, in which, regular bail was allowed by relying upon the decision of a Coordinate Bench in CRM-M-37253 of 2016, in case titled as Festus Ugochukwu Vs. State of Punjab.

6. Learned appearing on behalf of the UT has not controverted the factual position but has only brought it to the notice of the Court that in view of the petitioner not possessing a passport, case under Section 14 of the Foreigners Act was registered, therefore, interest of the State be protected by ensuring imposition of necessary safeguard to secure the presence of the petitioner to face trial.

7. Without commenting upon the merits of the case, the petition for bail is allowed as no useful purpose would be served by keeping the petitioner in custody during the pendency of the trial especially in view of prevalent pandemic Covid-19 situation in the country. Accordingly, the petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds with one local surety to the satisfaction of the learned CJM/trial Court/Duty Magistrate, UT Chandigarh to ensure the presence of the petitioner to face trial.

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