

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-14542-2020

Date of Decision:30.09.2020

Deepinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Gopal Singh Nahel, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.98 dated 02.05.2019 under Section 22/61/85 of the NDPS Act, registered at Police Station City Rajpura, District Patiala.

As per FIR, the petitioner was apprehended alongwith 108 strips total 2160 intoxicant tablets containing Diphenoxylate Hydrochloride and 24 strips of Alprasaft tablets IP.5 mg. total 240 intoxicant tablets containing salt Alprazolam on 02.05.2019.

Learned counsel for the petitioner has argued that the petitioner is in custody since 02.05.2019 and in view of prevailing COVID-19

situation, trial is not progressing at all. He submits that out of total 09

witnesses cited by the prosecution, no witness has been examined in the case and there is no other case against the petitioner.

Learned State Counsel does not dispute the custody period and the fact that there is no other case against the petitioner. However, he submits that the petitioner was found in possession of commercial quantity of contraband and therefore, he is not entitled for bail.

Heard learned counsel for the parties.

Petitioner is in custody since 02.05.2019. Out of total 09 witnesses cited by the prosecution, no witness has been examined so far. In view of prevailing COVID-19 situation, there is no chance to conclude the trial in the near future. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that, in case, the petitioner is found indulged in any other case of similar nature, the prosecution shall be at liberty to seek cancellation of his bail in the present petition.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

September 30, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No