

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

(Heard through VC)

CRM-M-14595 of 2020 (O&M)
Date of Decision: November 19, 2020

Sharna Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Gill, Advocate with
Ms. Manjot Kaur, Advocate
for the petitioner.

Ms. Samina Dhir, DAG 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.176 dated 26.07.2019, under Section 22 of NDPS Act, registered at Police Station Patran, District Patiala.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 26.07.2019. It is *inter alia* argued that there has been an infraction of the instructions issued by the Punjab Government and the directions issued by the DGP Punjab, as also the directions issued by this court in CRM-M-4494 of 1997 insofar as

a private vehicle should not be used in NDPS Act cases and if a private vehicle is used, it should be duly incorporated in the record. It is also contended that due to limited working of the courts on account of Covid-19 pandemic, the trial is not progressing, as such, the petitioner is entitled to be enlarged on bail.

A report by way of affidavit of Bharpur Singh, PPS, DSP, Circle Patran, District Patiala has been filed on behalf of the respondent-State by giving details how the petitioner was apprehended while carrying transparent plastic envelope with the contraband. In the said affidavit, it is stated that the necessary instructions issued by this High Court as well as DGP Punjab in dealing with the NDPS Act cases have not been complied with insofar as a private vehicle had been used.

Per contra, learned State counsel, on instructions from the Investigating Officer, would submit that the petitioner having been caught with 2500 intoxicant tablets and in view of the stringent provisions of Section 37 of NDPS Act, would not be entitled to grant of regular bail.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been in custody since 26.07.2019 and in the similar circumstances, this court had allowed bail by an order dated 19.11.2019 passed in CRM-M-29004 of 2019, 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.

November 19, 2020

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No