

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

(1)

CRM-M-14760 of 2020 (O&M)
Date of Decision: November 19, 2020

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-16055 of 2020 (O&M)

Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rohan Sharma, Advocate
for the petitioner in CRM-M-14760-2020.

Mr. Raj Kumar Makkad, Advocate
for the petitioner in CRM-M-16055-2020.

Ms. Monika Jalota, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

By this common order, this court shall dispose of above
captioned two petitions for grant of regular bail to the petitioners arising

out of the same FIR.

The instant petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.176 dated 04.09.2019, under Section 22 of NDPS Act, registered at Police Station Passiana, District Patiala.

Learned counsel for the petitioners contends that the petitioners herein were taken into custody in the aforesaid FIR on 04.09.2019. It is *inter alia* contended that the allegations in the FIR are patently false and recovery has been illegally shown from the petitioners herein. It is submitted that a reading of the documents would reflect that a chance recovery based on the secret information has been shown at 9.20 p.m. whereas, in fact, the ruqa was sent at 10.20 p.m and received in the police station at 10.52 p.m. It is also argued that there has been non-compliance of Section 50 of the NDPS Act. It is also contended that due to limited working of the courts on account of Covid-19 pandemic, it will take sufficient time to conclude the trial, as such, the petitioners are entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioners on the ground that there is bar of Section 37 of NDPS Act, while also contending that since the recovery had been made from the vehicle, as such, compliance of Section 50 of NDPS Act would not be required.

I have heard learned counsel for the parties.

In view of the facts that the petitioners herein have been in

custody since 04.09.2019 and it will take sufficient time to conclude the trial due to limited working of the courts on account of Covid-19 pandemic, no useful purpose would be served in keeping the petitioners behind bars. At this stage, without commenting on the merits of the case, the instant petitions are allowed and the petitioner are 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 petitions for grant of regular bail and the same shall have no affect on the merits of the case.

November 19, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No