

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

Crl. Misc. M-15035 of 2020
Date of decision: 08.09.2020

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Jasvir Singh @ Beera

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. S.S. Gill, Advocate,
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 162 dated 15.09.2019 under Section 15 of the NDPS Act, 1985, P.S. City Samana, District Patiala.

Counsel for the petitioner submits that recovery from the truck which was being driven by the petitioner is of 60 kgs of poppy husk, which is marginally more than the commercial limit of 50 kgs. It is submitted that the petitioner has been in custody since 15.09.2019 and the investigation is complete since the challan was filed on 03.03.2020 and the charge is yet to be framed. It is submitted that the FIR was registered on the basis of secret information whereby, the petitioner was named and another person namely Jatinder Singh @ Kadu, who was driving a different vehicle and was carrying contraband of 30 kgs. It is submitted that the said person has been granted the benefit of regular bail on 02.06.2020 in Crl. Misc. M-47860 of

2019 (Annexure P-1).

Counsel for the State could not refute the aspect that the petitioner has no other case of similar nature against him. The trial is now fixed for October and the charge is yet to be framed. The petitioner has undergone actual detention period of 1 year and the trial is not likely to be completed, specially in view of Covid-19 pandemic. The recovery as such is marginally more than the commercial limit. Keeping in view the above facts and the antecedents of the petitioner being clean, this Court is of the opinion that no useful purpose would be served by keeping the petitioner in further custody.

Accordingly, the petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Duty Magistrate/Illaq Magistrate, Patiala. Needless to say that anything said herein is only for the purpose of deciding the present bail application and this Court has not opined on the merits of the case.

08.09.2020
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No