

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

CRM-M-16311-2020

Date of Decision:13.08.2020

Gursewak Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Ranjan Lakhanpal, Advocate,
for the petitioner.

Mr.N.K.Banka, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.47, dated 09.03.2020, having been registered at Police Station Sirhind, District Fatehgarh Sahib, alleging therein the commission of offences punishable under Sections 22/61/185 of Narcotics and Psychotropic Substances Act, 1985.

At the outset, Mr.Lakhanpal points to the order passed by this court in CRM-M-19008 of 2020, on July 31, 2020 (co-ordinate Bench), as he has forwarded to the Reader of this court, which is an order in the case of a co-accused of the petitioner, admitting him to interim bail on the ground that the FSL report has still not been received.

Mr.Banka, learned DAG, Punjab, on the other hand submits that the FSL report has since been received, which shows that the contraband recovered from the bag carried by the pillion rider sitting on the motorcycle that the petitioner was riding, was of commercial quantity and therefore, the recovery would be deemed to have been made from both of them and not just from the pillion rider, i.e. Satnam Singh.

Upon query as to the stage of trial, he submits that the report under Section 173 Cr.P.C. would be submitted now, after receipt of the FSL report.

The petitioner is stated to be in custody for 5 months.

Again upon query, he submits as per the custody certificate supplied to him, there is no other criminal case registered against the petitioner.

That being so, without making any comment on the actual merits of the case and also keeping in view the present pandemic situation, the petition is allowed, with the petitioner ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/Duty Magistrate, concerned.

August 13, 2020

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO