

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

(Heard through VC)

CRM-M-16494 of 2020 (O&M)
Date of Decision: November 10, 2020

Ashwani Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. Amit Mehta, 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.04 dated 03.01.2015, under Section 22 of NDPS Act, registered at Police Station Islamabad, Amritsar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 03.01.2015 and thereafter was released on interim bail on 16.02.2016 for awaiting the FSL report and subsequently, after receiving the FSL report, the petitioner was

again taken into custody in the aforesaid FIR on 21.11.2019. It is argued that the petitioner has been falsely implicated in the present case. It is submitted that the recovery effected from the petitioner is marginally more than the commercial quantity. It is contended that challan has been presented in the matter on 18.11.2019 and since then, no witness has been examined. It is also contended that nowadays courts are not working at their full strength because of Covid-19 pandemic, as such, the petitioner is 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 petitioner, while contending that there are serious allegations against the petitioner. However, he does not dispute the fact that trial is not proceeding in the matter.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody for the last two years and one month; recovery effected from the petitioner is marginally more than the commercial quantity and that trial is not proceeding because of limited working of the courts due to Covid-19 pandemic, 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 10, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No