

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

Sr. No.215-2

CRM-M-16479-2020

Date of decision: 10.12.2020

Gulzar Ahmad Shah @ Gulzar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. B.S. Kathuria, Advocate and
Mr. Rajesh K. Dadwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.99 dated 10.10.2019 registered under Section 15 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Sadar, District Nawanshahr.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case; he is in custody since 10.10.2019; no recovery has been effected from the person of the petitioner; there is no other criminal case in which the petitioner is involved and that in the petitioner's trial 21 prosecution witnesses remain to be examined and therefore, the same is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel admits to the period of incarceration of the petitioner and non-involvement of the petitioner in any other criminal case but opposes the grant of bail to the petitioner on the ground that 125 kgs of poppy husk has been recovered from the petitioner.

Whether the recovery from the truck of which the petitioner was an occupant would be considered to be recovery from the person of the petitioner would be debated during the course of trial. However, the

petitioner has already suffered incarceration for over 01 year and 02 months; there is no criminal case in which the petitioner is involved and the petitioner's trial in which 21 prosecution witnesses remain to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Nawanshahr, the petitioner is directed to be released on bail.

Since the petitioner is not a resident of State of Punjab, it is directed that while granting bail to the petitioner, the CJM/Duty Magistrate shall insist on heavy and at least two local sureties.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

December 10, 2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No