

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M No.28968 of 2020

Date of Decision: October 27, 2020

Sewak Ram and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR JUSTICE SUDIP AHLUWALIA

Present: Mr. Naveen Sharma, Advocate for the petitioners.

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

SUDIP AHLUWALIA, J. (Oral)

Case has been taken up through Video Conferencing in view of the outbreak of Pandemic COVID-19.

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioners in case FIR No.344, dated 30th October, 2019, registered under Sections 61 and 78 of the Punjab Excise Act, 1914 (Section 22 of the NDPS Act, 1985 added later on), at Police Station Talwandi Sabo, District Bathinda.

2. The petitioner has remained in detention for almost one year since 30.10.2019.

3. Contraband was allegedly recovered from the petitioner's vehicle in which he was travelling along with co-accused-Lovepreet Singh (who is no more co-petitioner in the present petition). The said co-accused has been granted Regular Bail by this Court earlier in **CRM-M No.27833 of 2020**. The petitioner

more or less stands on the same footing except that he also happens to be owner of the vehicle involved. But from his custody certificate available on record, it is verified that he is not involved in any other case under the NDPS Act.

4. Ld. Counsel for the Petitioner has drawn attention of this Court to the various orders passed by the Co-ordinate Benches of this Court in ***CRM-M No.17481 of 2020 – 'Mani Singh @ Maddi' and No.13310 of 2020 – 'Harwinder Singh vs. State of Punjab'***, in which similarly situated accused persons from whom contraband was recovered have been granted Regular Bail where they are not reported to be involved in any other case under the NDPS Act, in view of the special circumstances to the effect that the Trial is likely to take a long time due to on-set of the Covid-19 Pandemic.

5. It transpires that in the present case also while charges were framed against the Petitioner as long back as on 1st February, 2020, still no witness from the Prosecution Side as yet has been examined on account of the fact that proceedings are not being taken up in the regular manner due to Covid-19 Pandemic.

6. In the circumstances and without commenting upon the other merits of the case, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not justified. As such, prayer of petitioner for bail is allowed and he is ordered to be released on regular bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

7. Disposed off.

(SUDIP AHLUWALIA)
JUDGE

October 27, 2020

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Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No