

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 16377 of 2020
Date of Decision: 17.9.2020

Dishant Goel

.....Petitioner

Versus

U.T. of Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. K.S.Nalwa, Advocate
for the petitioner.

Mr. Sukant Gupta, Addl. P.P., U.T., Chandigarh.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 41 dated 04.5.2020 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sector-19, Chandigarh.

Learned counsel for the petitioner submits that the petitioner is a student of MLT (Medical Lab Technician) Final Year. He further submits the recovery of 10.29 grams of heroin, allegedly effected from the petitioner, is marginally above the small quantity. He further submits that there are five other cases against the petitioner, out which in two cases, he has been acquitted, whereas in two cases, he has been convicted and in FIR No. 104 dated 05.5.2020, registered under Section 224 IPC at P.S. Sector-17, Chandigarh, he is undertrial. He further submits that the petitioner has been in custody since 04.5.2020. Learned counsel further submits that the mandatory provisions of Section 50 of the Act has not been

complied with and the recovery effected from the petitioner falls under the non-commercial quantity. In support of his arguments, he has placed reliance on judgment passed by the Co-ordinate Bench of this Court in **CRM-M-6642-2020** titled **Chhinderpal Singh @ Chhindu versus State of Punjab**, decided on 21.8.2020.

On the other hand, learned State counsel submits that while declining the bail application of the petitioner by the learned Sessions Court, it has been observed that the petitioner had offered resistance to his unlawful apprehension as he tried to escape from the lawful custody of the police and on account of which, FIR No. 104 under Section 224 IPC was registered against him. He further submits that in the present case, charges have been framed.

In the present case, the recovery effected from the petitioner falls under the non-commercial quantity and he is a student of MLT (Medical Lab Technician) Final Year. He has been in custody since 04.5.2020 and the charges have already been framed. This Court is of the conscious view that due to COVID-19 pandemic, the trial is likely to take long time to conclude. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

September 17, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No