

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

CRM-M- 16947-2020 (O&M)

Date of Decision: July 16, 2020

Harjinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. J. S. Ghumman, 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. 225 dated 07.12.2019, under Sections 18 and 25 of NDPS Act, 1985, registered at Police Station Dakha, District Ludhiana (Rural).

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 07.12.2019. It is further contended that the allegations in the FIR are that two persons were traveling in a car wherein total 3 kg of opium was recovered. He further contends that the petitioner is neither the owner nor was driving the car. He was traveling in the car as a passenger. He also contends that in case the recovery is divided among both persons, then it would be less than the threshold of 2.5 kg as commercial quantity.

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, however does not dispute the fact that the investigation in the matter stands complete.

I have heard learned counsel for the parties.

Since, in view of the restricted working of the Courts due to pandemic COVID-19 situation and in view of the facts that the trial is likely to take time and that the petitioner herein has been in custody since 07.12.2019 and the contraband recovered if divided among both the accused in the FIR is of a non-commercial quantity, 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 bail on his execution of adequate personal and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

July 16, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No