

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 17194 of 2020
Date of decision : July 20, 2020

(Through Video Conferencing)

Agyapal Singh @ Dhagga

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Vivek Salathia, Advocate
for the petitioner.

Ms. Monica Jalota, DAG., Punjab.

Manjari Nehru Kaul, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 103 dated 28.12.2019 under Sections 21,29 of NDPS Act, registered at Police Station Ramdass, District Amritsar

Learned counsel for the petitioner contends that the petitioner has been falsely arraigned as an accused in the instant case. It was a case of chance recovery wherein allegedly 10 grams of heroine was recovered from the conscious possession of the petitioner from the right pocket of his trouser. This recovery of alleged contraband fell within the category of “small quantity”. Further contends that the alleged recovery of 260 grams of heroine was effected from the conscious possession of the co-accused for which he could not be held liable.

On the other hand, learned State counsel while opposing the submissions of the learned counsel for the petitioner conceded that only 10

grams of heroine was recovered from the conscious possession of the petitioner. On a query put, she has apprised this Court on instructions from Sukhwinder Jit Singh that the petitioner is not involved in any other case under the NDPS Act.

Heard.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 28.12.2019 and till date only challan has been presented and the trial is unlikely to conclude in the near future, moreso in the prevailing conditions on account of the outbreak of Covid-19, I deem it a fit case to grant the concession of regular bail to the petitioner. The instant petition is allowed. The petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

July 20, 2020
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No