

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

**CRM-M No.17357 of 2020 (O&M)
Date of Decision.21.07.2020
(Heard through VC)**

Salim Ansari

...Petitioner

Vs

State of U.T., Chandigarh

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Aruj Khan, Advocate
for the petitioner.

Mr. Ashumohan Punchhi, P.P., U.T., Chandigarh.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.83 dated 21.05.2020 under Section 22 of NDPS Act, 1985 registered at Police Station Mani Majra, Chandigarh.

Counsel for the petitioner herein would contend that the petitioner has been implicated falsely in the instant FIR. No information was sent by ASI Virender Kumar to the police station prior to completing the investigation and effecting recovery from the petitioner. Even as per the FIR itself, the ruqa was sent after completion of investigation at the spot by the same investigating officer, thus, the complainant and the investigating officer is the same person. Therefore, it will be a debatable issue whether proper procedure under Section 50 of NDPS Act was followed or not. It is further contended that in case there is a reasonable possibility that an accused may be acquitted, he can be granted the concession of bail and in support of aforementioned contention, he relies upon judgment rendered by the Hon'ble Supreme Court in SLP (Crl) No.7281-7282 of 2017 titled as

'*Sushila Aggarwal and others Vs. State (NCT of Delhi) and another*' decided on 29.01.2020.

Learned counsel appearing for the respondent-State opposes the regular bail while contending that no ground is made out for granting concession of regular bail.

I have heard learned counsel for the parties.

Keeping in view the judgment rendered by the Hon'ble Supreme Court in *Sushila Aggarwal's* case (supra) and coupled with the fact that the trial is likely to take some time to conclude as due to COVID-19 situation, Courts are not working at their full strength and not taking up regular hearing matters, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/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.

(JAISHREE THAKUR)
JUDGE

July 21, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No