

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

(Heard through VC)

CRM-M-17349 of 2020 (O&M)

Date of Decision: July 21, 2020

Pawan Kumar @ Kalu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.S. Gill, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG 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.36 dated 16.03.2019, under Section 22 of NDPS Act, registered at Police Station Goraya, District Jalandhar Rural.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 16.03.2019. It is argued that the petitioner has been falsely implicated in the present case. Learned counsel for the petitioner would rely upon judgment rendered by the Division Bench of this Court in *Saleem Mohd. vs. State of Punjab, 2015(25) RCR (Criminal) 816* to contend regular bail should be granted to the petitioner in the light of Rule 66 of NDPS Rules, 1985, as the petitioner

was allegedly found in possession of 22 injections of Buprenorphine. Learned counsel for the petitioner would also rely upon judgments rendered by this court in **Sehajpal Singh @ Sehaj vs. State of Punjab**, CRM-M-38249 of 2019 decided on 27.02.2020 and in **Aruna @ Runa vs. State of U.T., Chandigarh**, CRM-M-36753-2019 decided on 13.01.2020 to contend in the similar circumstances, bail had been allowed by this Court. It is also contended that the conclusion of trial will take sufficient time due to Covid-19 pandemic situation, therefore, the petitioner is entitled to be enlarged on bail.

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, while submitting that the offence alleged against the petitioner is serious in nature.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 16.03.2019 and that controversy with regard to Buprenorphine is debatable as to whether it is a psychotropic substance or not, 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 regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the

purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

July 21, 2020
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(JAISHREE THAKUR)
JUDGE

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