

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 17431 of 2020 (O&M)
Date of decision : September 10, 2020

Prince Kumar alias Kalia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

Present:- Mr. Rajbir Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG., 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. 48 dated 17.3.2020 under Sections 21,61,85 of NDPS Act registered at Police Station Gidderbaha, District Sri Muktsar Sahib, Punjab.

Learned counsel for the petitioner contends that it is a case of false implication, wherein, recovery of 20 grams of heroine (small quantity) was shown to have been recovered from the petitioner. He further submits that he has been in custody since 17.3.2020 and only report under Section 173 Cr.P.C has been filed till date. He has also apprised this Court that the co-accused have since been extended the concession of regular bail. Hence, he has prayed that the concession of regular bail be extended to him as there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the grant of

regular bail to the petitioner has conceded that the alleged recovery effected from the petitioner falls within the category of 'small quantity'. She has further apprised this Court that the petitioner is involved in two more cases including one under the NDPS Act. However, the recovery in the said case was also of 'small quantity' and he had since been extended the concession of regular bail in that case..

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 17.3.2020 and due to the outbreak of the pandemic Covid-19 the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

September 10, 2020
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No