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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-17966-2020
Date of Decision: 21.08.2020**

Manjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.103 dated 05.06.2018, under Section 15 of the NDPS Act, registered at Police Station City Samana, District Patiala.

2. Notice of motion.

3. Mr. Harbir S.Sandhu, AAG, Punjab, to accept notice on behalf of the State.

4. The petitioner was arrested, along with the co-accused, on 05.06.2018 on the allegation that *poppy-husk* weighing 85 kgs. was recovered from them.

5. When the matter earlier came up before this Court on 14.07.2020, it was submitted on behalf of the petitioner that he had been acquitted in a

second case under the NDPS Act, which was lodged against him in the State of Rajasthan. But, on the next date (04.08.2020), the submission was modified by Ld. Counsel for the petitioner stating that due to some *bona-fide* misunderstanding such submission on the previous date had been made, but that his client was neither named nor involved in any such criminal case. In view of those submissions, both the sides were directed to place on record a copy of the challan, if any, finally submitted in the NDPS case in Rajasthan.

6. Today, Ld. State Counsel has sent up by e-mail copies of letter dated 23.07.2020 sent by the SHO, Police Station Sadar Nimbhera, District Chittorgarh (Rajasthan), pertaining to FIR No.353 of 2016, under Sections 8/15, 29 of the NDPS Act, registered at Police Station Sadar Nimbhera, District Chittorgarh (Rajasthan), on perusal of which, it transpires that the investigation in the said case is still pending and that the present petitioner was not directly named in the case, but his complicity had transpired from the statements of co-accused Jaswinder Singh @ Yadwinder Singh and others.

7. Be that as it may, considering the long detention undergone by the petitioner, which is in excess of two years, since 05.06.2018, and the fact that presently trial in the Ld. Court below has come to a virtual stand still inasmuch as no witness after the month of March has been examined from the prosecution side on account of the outbreak of the COVID-19 Pandemic, and the trial is likely to take its own substantial time for being completed in the given circumstances, as such, without commenting any further on the merits of the present case as a whole, the prayer of the petitioner for his release on regular bail is allowed and he is ordered to be released on bail, subject to the appropriate terms and conditions to the satisfaction of the Ld. Trial

Court/Duty Magistrate, concerned.

8. Disposed off.

21.08.2020

Apurva

(SUDIP AHLUWALIA)
JUDGE

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No