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

CRM-M No. 18985 of 2020
Date of Decision: 12.10.2020

Mahna @ Babbu @ Pappu

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gursimran Singh Bawa, Advocate,
for the petitioner.

Mr. Harbir Sandhu, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.261 dated 28.06.2016 under Sections 379, 411 IPC and under Section 21/22 of NDPS Act registered at Police Station Civil Lines, District Police Commissionerate, Amritsar.

In respect of theft of scooter in question, FIR No.258 dated 26.06.2016 under Sections 379-B (2)/ 34 IPC was registered against the petitioner and another person.

They have been convicted and sentenced to undergo

rigorous imprisonment for 10 years with fine of Rs.10,000/- along with default mechanism under Section 379-B(2)/34 IPC.

Petitioner is on suspended sentence in the said case.

In the present case, recovery is of 260 grams of powder which has been found to be Diacetylmorphine.

Learned counsel for the petitioner contends that the alleged recovery is marginally in excess of the quantity prescribed for commercial quantity.

Learned counsel for the petitioner places reliance upon **Shinda vs State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu vs State of Punjab, 2012(22) RCR (Criminal) 301** and submits that the alleged recovery was marginally in excess of the quantity prescribed for commercial quantity.

The factual matrix of the case could not be disputed by learned State counsel.

Petitioner is in custody since 28.06.2016.

Challan stands presented. Out of 12 prosecution witnesses, 04 prosecution witnesses have already been examined.

Trial of the case may take some time in its final culmination.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

12.10.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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