

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

CRM M-19102 of 2020 (O&M)
Date of Decision: August 27, 2020

Pardeep KumarPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Umesh Kumar Kanwar, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Pardeep Kumar who is in custody has come up before this Court in this first regular bail application moved under Section 439 Cr.P.C. in FIR 142 No. 07.07.2019 dated 13.07.2019 registered under Sections 22, 61 and 85 of NDPS Act, 1985 registered at Police Station Goraya District

Jalandhar.

The brief allegations against petitioner Pardeep Kumar are that police party accosted two young men including the petitioner and found a polythene bag lying on the ground containing 60 injections which were recovered leading to registration of present FIR.

Mr. Umesh Kumar Kanwar learned counsel for the petitioner *inter alia* contends that petitioner is behind the bars for a period of 01 year, 01 month and 18 days and that as per own stand of the prosecution that the recovered contraband is not found in conscious possession of the accused.

Mr. J.S. Ghumman, DAG, Punjab learned State counsel has opposed the bail by submitting that recovery so made is commercial quantity of the contraband.

Appreciating the submissions, the petitioner is behind the bars for more than 01 year, 01 month and 18 days and a debatable issue arises over the very factum if the recovered contraband is found in conscious possession of the accused or not which can only be adjudicated at the time of the trial. Keeping in view the prevalent COVID-19 pandemic situation and that there is effort by the Court and the Government to decongest the jails and taking a lenient view and the fact that the trial is not likely to be completed near future impels this Court to allow the bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief

Judicial Magistrate/Duty Magistrate, concerned

However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

Disposed off accordingly.

August 27, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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