

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

**CRM-M-19105 of 2020 (O&M)
DATE OF DECISION : 28.08.2020**

Deepak Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Siddharth Gupta, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Copy of status report filed by the State is taken on record.
2. The petitioner is seeking regular bail in FIR No. 39 dated 15.04.2019, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Nehianwala, District Bathinda.
3. Per FIR, on 15.04.2019, police party apprehended the petitioner along with his accomplice on motor cycle bearing registration No. PB03AM-5428. From them, 2000 tablets of Cavilodol 100 SR containing Tramadol Hydrochloride were recovered.
4. Learned counsel submits that the petitioner is in custody since 15.04.2019. He submits that the provisions of NDPS Act were not followed prior to alleged recovery. He further submits that investigation is over and challan has been filed, charges have been framed and only one witness has been examined so far. According to him, the petitioner is not involved in any other offence of similar nature. He further submits that there is no likelihood of trial

commencing or concluding anytime soon due to Covid-19 pandemic. Courts are currently working with restrictions and taking up only urgent matters. He relies on a decision of Coordinate Bench of this Court in **Satish Kumar Vs. State of Punjab**(CRM-M-44054 of 2019, decided on 13.07.2020), where, in somewhat similar circumstances, bail has been granted to the accused therein.

5. On the other hand, learned State counsel opposes the bail plea. He, however, admits that the petitioner is not having any criminal background and is in custody since 15.04.2019. He further admits that presently there is no headway in the trial due to Covid-19 pandemic.

6. The petitioner is in custody almost for the past more than sixteen months. Investigation is already over, but trial is not likely to conclude anytime soon due to covid-19 pandemic. The petitioner is not having any criminal background and just 24 years of age.

7. Considering the overall scenario and the case of Satish Kumar (supra), without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. In case, while on bail, petitioner is found involved in offence of similar nature, the prosecution would be at liberty to seek cancellation of his bail.

August 28th 2020
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(ARUN MONGA)
JUDGE

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