

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

CRM-M-19409-2020
Date of decision :06.08.2020

Sanjay Kumar

...Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Anuj Sood, Advocate
for the petitioner.

Mr. A.M.Punchhi, P.P. with
Mr. Anupam Bansal, A.P.P.
for the respondent-U.T., Chandigarh.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No. 67, dated 22.02.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances (for short NDPS) Act, 1985 at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner states there is non-compliance of Section 50 of NDPS Act. Personal search was carried upon the petitioner, however, the same has been attributed to the petitioner that he had himself put his hand in his pocket and stated that beyond the narcotic substance, he is not carrying anything. Therefore, learned counsel for the petitioner states that the recovery has become doubtful and the petitioner is

not involved in any other FIR. The petitioner is the only bread winner of the family. He is in custody since 22.02.2020.

On the other hand, learned State counsel opposes the instant petition and submits that the recovery of commercial quantity of contraband was effected from the conscious possession of the accused.

Heard.

Considering the fact that challan has been presented in the present case; out of 15 witnesses not even a single witness has been examined; the trial is likely to take a long time to conclude, in view of the prevailing COVID-19 situation and further incarceration of the petitioner is not warranted.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.08.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No