

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

CRM-M-21009-2020

Date of decision :11.08.2020

Beant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

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.43, dated 29.02.2020, registered under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner states that allegedly 260 grams of heroin was recovered from the petitioner. He states that it is not clear whether the weighment of the alleged contraband was done along with the polythene or it is the net weight. Otherwise also there could be error in the weighment. Therefore, he states that it is not established that the quantity is commercial. The petitioner is not involved in any other FIR and trial is yet to be commenced.

Learned State counsel has not been able to controvert this factual aspect of the matter.

Heard.

Considering the fact that the petitioner is in custody since 29.02.2020 and is not involved in any other FIR, the trial is not likely to be concluded in the near future, no useful purpose shall be served by keeping the petitioner in further incarceration.

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 with two local sureties 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.

11.08.2020

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No