

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

**CRM M-21233 of 2020**

**Date of Decision: August 13, 2020**

|                                 |                 |
|---------------------------------|-----------------|
| Baljinder Singh @ Gyani @ Babbu | .....Petitioner |
| Versus                          |                 |
| State of Haryana                | .... Respondent |

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Amit Chaudhary, Advocate  
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

**FATEH DEEP SINGH, J. (Oral)**

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

Petitioner Baljinder Singh @ Gyani @ Babbu has come in this first regular bail application moved under Section 439 Cr.P.C., in FIR No. 206 dated 25.06.2018 under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhuna, District Fatehabad.

The allegations against the petitioner are that on the basis of secret information, the police held a naka and on 25<sup>th</sup> June, 2020 apprehended the accused and on his personal search in the presence of a Gazetted Officer got recovered 15.70 grams of heroin, for which, he could not account for leading to the registration of the present case.

Mr. Amit Chaudhary, learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars for almost 02 months and the quantity if any recovered is less than commercial and in view of the present COVID 19 pandemic situation, the trial is likely to be protracted.

Mr. Baljinder Virk, DAG, Haryana learned State counsel has opposed the bail on the grounds that one other case under the NDPS Act has been registered against the petitioner but there is no evidence of any previous conviction and has opposed the grant of bail that a dangerous contraband had been recovered from the petitioner.

Going through the submissions of the two sides, admittedly, the petitioner is in custody for almost 02 months. The quantity is alleged to have been recovered is less than commercial and there is no previous history of conviction under the NDPS Act and in view of the present Pandemic COVID 19 situation, the investigation and the trial are not likely to be accomplished in near future and in view of the same, the

present application is allowed. 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.

**August 13, 2020**

**(FATEH DEEP SINGH)**

amit rana

**JUDGE**

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