

Sr. No.207

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

**CRM-M-22111 of 2020 (O&M)
DATE OF DECISION : 23.09.2020**

Sukhchain Singh @ Deepu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ajeet Pal Singh Pakka, Advocate,
for the petitioner.

Mr. V.G. Jauhar, DAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks 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.

2. Per FIR, on 15.04.2019, a police party apprehended the petitioner along with his accomplice on motor cycle bearing registration No. PB03X-6178. From them, 1500 tablets of Cavilodol 100 SR containing Tramadol Hydrochloride were recovered.

3. 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 co-accused Deepak who was on another motor cycle and from whom 2000 tablets of Tramadol Hydrochloride were recovered, has been granted regular bail by this Court by virtue of order dated 28.08.2020 passed in CRM-M-19105 of 2020 and on the ground of parity alone, petitioner is entitled to be released on bail.

4. 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. He does not controvert that co-accused from whom recovery was on higher side, has already been granted the concession of regular bail.

5. The petitioner is in custody almost for the past more than sixteen months. Investigation is already over, but trial is held up and not likely to conclude anytime soon due to covid-19 pandemic. The petitioner is not having any criminal background and on the ground of parity alone, he is entitled to be released on bail.

6. Considering the overall scenario, 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.

September 23, 2020
Jiten

(ARUN MONGA)
JUDGE

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