

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

Sr. No.210

CRM-M-22163-2020

Date of decision: 03.12.2020

Balvir Singh @ Moto

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.92 dated 01.05.2018 registered under Sections 379, 411 IPC and Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the NDPS Act) at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; there is no other case under the NDPS Act in which the petitioner is involved; the petitioner has been in custody since 01.05.2018; in the petitioner's trial only one prosecution witness has been examined and that for the last over 09 months no effective proceedings have taken place in the trial and therefore, the same is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel, on instructions from ASI Gurdas Ram, admits to the period of incarceration of the petitioner; non-involvement of

the petitioner in any other case under the NDPS Act and the fact that for the last 09 months no effective proceedings have taken place in the petitioner's trial but opposes the grant of bail on the ground that he and his co-accused were found illegal possession of 500 tablets of Tramadol Hydrochloride.

The petitioner has been in custody for the last over 2½ years; there is no other case under the NDPS Act in which the petitioner is involved; in the petitioner's trial only one prosecution witness has been examined; for the last over 09 months, no effective proceedings have been taken place in the petitioner's trial and the same is not likely conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bathinda, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

December 03, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No