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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23222-2020
Date of Decision: 15.09.2020

Rakesh Kumar @ Sannu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Munish Puri, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is the second petition filed under Section 439 Cr.P.C. on behalf of the petitioner for regular bail in case FIR No.134 dated 13.11.2019, under Sections 21, 22 & 29 of the N.D.P.S. Act, registered at Police Station Division No.2, District Pathankot.

[2]. The petitioner was arrested on 13.11.2019. The contrabands recovered from him in the form of 600 Tablets of Moni Plus (containing Alprazolam weighing 76.2 grams) and 290 Capsules of Ridley (containing Tramadol weighing 184 grams), are both below the commercial quantity, while Heroin weighing 4 grams is of small quantity.

[3]. The custody certificate of the petitioner goes to show that he is involved in one more case under the N.D.P.S. Act, but surprisingly FIR in that particular case was also drawn up on the very same date on which the petitioner was arrested, i.e., on 13.11.2019, although the FIR relates to a different Police Station (Taragarh) of the same District. The petitioner

obviously could not have been arrested on the same date in a separate FIR.

[4]. After completion of investigation challan against the petitioner has already been submitted and charges framed by the Trial Court.

[5]. But thereafter the trial has been held up due to onset of the Covid-19 Pandemic. It transpires that as yet not a single witness from the prosecution side has been examined.

[6]. In these circumstances, without commenting any further on the merits of the present case as a whole, but in view of the detention undergone by the petitioner and the fact that the trial is likely to take its own considerable time due to ongoing Covid-19 Pandemic, no useful purpose would be served by keeping him in detention for an indefinite period.

[7]. As such, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[8]. Disposed off.

15.09.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No