

CRM-M-23910-2020 (O&M)

Date of Decision : 28.08.2020

Harjit Singh alias Honey

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. R.K. Gupta, Advocate for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 439Cr.P.C. is for grant of regular bail to the petitioner during pendency of trial in case FIR No.71 dated 03.04.2018, registered under Section 22, NDPS Act, 1985, at Police Station Dugri, District Ludhiana in a case involving recovery of approximately 300 grams of heroin.

3. Learned counsel contends that the petitioner has been in custody since 03.04.2018, challan has been presented, charges have been framed and that the trial would take considerable time to conclude on account of prevailing Covid-19 pandemic. Learned counsel has relied on the decision of a Coordinate Bench in CRM-M-7863-2017, in case titled as **Ugochukwu Henry vs. State of Punjab**, decided on 14.08.2017, also a case involving recovery of 300 grams of heroin. Learned counsel contends that the petitioner therein was released on bail by taking into account the fact that investigation was complete, challan had been presented and

4. Learned DAG, Punjab, has not disputed the aforementioned factual position except that the petitioner is involved in two other cases under the NDPS Act, 1985 but that he is on bail in both the aforementioned cases.

5. Without commenting upon the merits of the case but by taking into account the fact that recovery is of 300 grams of heroin, investigation is complete, challan has been filed, charges have been framed and that the petitioner is in custody since 03.04.2018 and trial would take considerable time to conclude on account of prevailing Covid-19 pandemic, the petition for bail is allowed. Accordingly, the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety to the satisfaction of the learned CJM/trial Court/Duty Magistrate, Ludhiana. The petitioner would also abide by the terms and conditions as enshrined under Section 437(3) of Cr.P.C. It is also made clear that in case the petitioner commits any offence under the NDPS Act, 1985, after his release on bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

6. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

7. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

August 28, 2020

'Rajesh-PS'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>