

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

Sr. No.214

CRM-M-23680-2020

Date of decision: 12.10.2020

Sukhpal Mahey @ Sukhi

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Nikhil Kumar, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks the grant of regular bail in FIR No.60 dated 15.03.2020 registered under Sections 21/22/29/61 of the Narcotic Drugs and Psychotropic Substances Act 1985 at Police Station Division No.8, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; he is in custody for the last about 07 months; he is not involved in any other criminal case; the alleged recovery from the petitioner is 251.328 grams of Tramadol Hydrochloride tablets which is just 1.328 grams more than the prescribed non-commercial quantity; report under Section 173 Cr.P.C. has been filed and therefore he is not in a position to influence the investigation and that the trial which is yet

commence 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 admits to the fact that the petitioner is not involved in any other criminal case and that he is in custody for the last about 07 months but opposes the grant of bail on the ground that the petitioner was found in illegal possession of 251.328 grams of Tramadol Hydrochloride tablets.

The petitioner has been in custody for the last about 07 months; there is no other criminal case in which he is involved; the alleged recovery is just 1.328 grams more than the prescribed non-commercial quantity; report under Section 173 Cr.P.C. has been filed and therefore he is not in a position to influence the investigation and the trial which is yet to commence is not likely to conclude in the near future especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, 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, Jalandhar, 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

October 12, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No