

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-23883 of 2020 (O&M)
Date of decision: November 24, 2020

Prabhdeep Singh @ Prabh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. D.S. Pheruman, Advocate for the petitioner.

Mr. H.S. Multani, Asstt. Advocate General, Punjab.

Ashok Kumar Verma, J.

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

This is a first petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 21, 25, 29 (NotificationNo.61) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “the NDPS Act”) at Police Station Maqboolpura, District Police Commissionerate Amritsar.

Learned counsel for the petitioner submits that petitioner has been implicated in a false case. The petitioner has been in judicial custody since 01.03.2020. He also submits that investigation of the case has been completed. As per allegations 300 grams of heroin was recovered from the petitioner whereas the commercial quantity is 250 grams, which is marginally above the small quantity.

On the other hand, learned State counsel has opposed the prayer

for grant of bail on the ground that the allegations against the petitioner are serious in nature.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

As per allegations against the petitioner, 300 grams of heroin was recovered from him, whereas the commercial quantity is 250 grams, which is marginally above the small quantity. Admittedly, investigation of the case has been completed. Having regards to the totality of the facts and circumstances of the case and the quantity of the contraband recovered from the petitioner and the period of incarceration undergone by the petitioner and the fact that due to COVID-19, trial of the case is not likely to be concluded in the near future, I am of the considered view that no fruitful purpose will be served by keeping the petitioner behind the bars. Accordingly, the present petition is allowed and petitioner Prabhdeep Singh @ Prabh is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial court/Duty Magistrate, Amritsar.

(ASHOK KUMAR VERMA)
JUDGE

November 24, 2020
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No