

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.206

CRM-M-24177-2020

Date of decision : 04.11.2020

Bahadur Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Prateek Pandit, Advocate, for the petitioner.
Ms.Rashmi Attri, AAG, Punjab.

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.60 dated 15.03.2020, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the 'NDPS Act') at Police Station Division No.8, District Jalandhar.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case for the reason that his brother refused to pay the demanded illegal gratification to the investigating agency; he is not involved in any other case under the NDPS Act; he was arrested on 16.03.2020 but shown to have been arrested on a later date as in the meanwhile demand of illegal gratification was being made; no recovery has been effected from him and that he has been embroiled in the case on the disclosure statement of co-accused Sukhpal Singh which has weak evidentiary value and that co-accused Sukhpal Singh has already been granted regular bail by this Court.

Learned State counsel does not dispute that the petitioner is not involved in any other case under the NDPS Act but vehemently denies the

allegations of *mala fide* against the investigating agency and opposes the grant of bail to the petitioner on the ground that on the disclosure statement made by the petitioner 2500 tablets of Tramadol have been recovered from his shop.

The allegations of *mala fide* raised by the petitioner would be debated during the trial; he has been nominated as an accused on the disclosure statement of co-accused Sukhpal Singh and the evidentiary value of such disclosure statement shall also be debated during the petitioner's trial; he is in custody for the last about eight months; he is not involved in any other case under the NDPS Act; no recovery was effected from him personally; co-accused Sukhpal Singh has already been granted regular bail by this Court and that the trial which is yet to commence is likely to take a long time to conclude 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.

04.11.2020
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No