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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24371 of 2020
Date of Decision: 31.08.2020

SATNAM SINGH ALIAS GOPI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.113 dated 05.11.2019, registered under Sections 15 and 25 of the NDPS Act at Police Station Sadar Moga District Moga.

The alleged recovery is of 80 kgs. of poppy husk in two bags containing 40 kgs. each.

Learned counsel for the petitioner by relying upon

CRM-M No.11592 of 2014 titled '**Avtar Singh @ Malhotra vs.**

State of Punjab' decided on 11.04.2014; **CRM-M No.25556 of 2010** titled **'Bheem Singh @ Bheema vs. State of Punjab'** decided on 25.10.2010; **CRM-M No.36696 of 2013** titled **'Jagtar Singh vs. State of Punjab'** decided on 27.11.2013; **CRM-M No.15542 of 2014** titled **'Kuldeep Singh @ Bheecha vs. State of Punjab**, decided on 19.05.2014 and **CRM-M No.4067 of 2015** titled **'Gurdev Singh @ Guria vs. State of Punjab'** decided on 29.09.2015 contended that the recovered contraband viz-a-viz. the compliance of Section 42/50 of the NDPS Act would remain debatable as the alleged recovery is between sunset and sunrise.

Learned State counsel submitted that challan has been presented, but charges have not been framed so far. Due to the situation arising out of COVID-19 pandemic, trial of the case may take some time in its culmination.

As per custody certificate filed by learned State counsel, petitioner is not involved in any other case. Petitioner is in custody since 05.11.2019.

Taking into consideration the totality of facts and circumstances of the case and without adverting to the merits of the case at this stage, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is

ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

August 31, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

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