

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

CRM-M-24385-2020
Date of decision-26.10.2020

Vs.

State of Punjab **...Respondent**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.102 dated 25.07.2019 registered under Sections 22, 29, 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Ludhiana, District Ludhiana. The petitioner is in custody since his arrest on 25.07.2019.

As per the prosecution case, on 25.07.2019, when Police officials were present at gate of Mehboobpura Dhandran road, in connection with patrol duty, a secret information was received regarding involvement of Amandeep Singh@ Meesha (petitioner) and Daljit Singh @ Riku in business of selling intoxicant powder. Acting upon the same information, accused were apprehended and upon search 60 grams of intoxicating powder was recovered.

Learned counsel for the petitioner contends that 60 grams of
intoxicant powder was recovered from the petitioner and his co-accused,

who were travelling on a two wheeler and recovered quantity is marginally above the non-commercial quantity. He has submitted that though the charges were framed on 08.11.2019 but only few witnesses have been examined so far by the prosecution and the trial is being delayed as a result of outbreak of Pandemic COVID-19. He submits that except for this case, the petitioner is not involved in any other case of similar nature, therefore, the petitioner deserves the concession of regular bail.

On the other hand, learned State counsel assisted by ASI Davinder Singh has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity as it is 10 grams more than the non-commercial quantity. He on instructions further states that the prosecution has examined 05 witnesses out of the total 14. It is further pointed out that the petitioner was driving the two wheeler and the said vehicle is owned by his sister. However, it is not disputed that the petitioner is not involved in any other case of similar nature. He submits that as per custody certificate, the petitioner is involved in a case FIR No.237 dated 25.08.2014 for the offences punishable under Indian Penal Code.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, but after framing of charges on 08.11.2019, the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 25.07.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

26.10.2020
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No