

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-25260 of 2020
Date of Decision: 4.9.2020**

Raja Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Umesh Aggarwal , Advocate
for the petitioner (s).

Mr. Amit Mehta, Sr. DAG, Punjab.

KARAMJIT SINGH, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.108 dated 1.4.2019 registered for the offence punishable under Sections 20 of NDPS Act at Police Station Phillaur, District Jalandhar Rural.

Heard.

Learned counsel for petitioner submits that the petitioner was arrested on 1.4.2019 and as per prosecution version, 8 KG of charas was allegedly recovered from him which undoubtedly comes under commercial quantity. Learned counsel for the petitioner has further contended that co-accused, from whom 7 KG of charas was allegedly recovered, was granted regular bail by this Court vide order dated 14.8.2020 (Annexure P-2).

Learned State counsel has admitted that even the recovery from the co-accused, who was granted bail vide order dated 14.8.2020 (Annexure P-2), was of commercial nature it being 7 KG of charas.

As per custody certificate, the petitioner has undergone custody

for a period of one year and five months. He is also involved in another criminal case having FIR No.115 of 2017 registered under Sections 323, 341, 148, 149 IPC at PS Gharinda, District Amritsar but all the said offences are bailable in nature.

As per learned State counsel, in total, 17 prosecution witnesses are to be examined, out of which, none has been examined so far. Trial is not progressing due to prevalent Covid-19 situation.

In the given circumstances, as co-accused has already been granted regular bail by this Court and without commenting on the merits of the case, this Court is of the view that further detention of the petitioner for an indefinite period will not serve any purpose. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal bonds and surety bonds to the satisfaction of the learned trial Court/concerned Duty Magistrate. However, in future, in case the petitioner is found involved in similar activity, then the prosecution will be at liberty to approach the Court concerned for cancellation of his bail.

September 4, 2020

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No