

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

Crl. Misc.M-25005 of 2020 (O&M)
Date of Decision: 4.9.2020

Sandeep Kumar @ Sanjeev @ Sunny ...Petitioner

Versus

State of Punjab ...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. R.K. Grewal, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 222 dated 23.6.2019, under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985. registered at Police Station Phillaur, District Jalandhar (Rural).

Learned counsel for the petitioner contends that the petitioner herein has been falsely implicated in this case. He is in custody since 23.6.2019. It is alleged in the FIR that there was one person who was having hair cut was seen coming on foot from the side of Satluj Bridge, Ludhiana, while carrying a weighty black envelope of polythene in his right hand and on seeing the police party, he threw the said polythene envelope on the side of the road. Learned counsel would contend that 20 injections of phinramine mutiate avil, 20 injections of lupicgesic buprenorphine and one large syringe are alleged to have been recovered from the petitioner. It is

contended that falsity of the implication is apparent from the fact that the alleged envelope is stated to be large whereas the recovery is only injections. It is also argued that there is a permanent police *naka* at the spot and therefore, no prudent person would make attempt to carry any contraband through the said police *naka*. It is also contended that no further investigation is required in the matter, since the challan has already been presented.

Per contra, learned counsel appearing on behalf of respondent-State, while relying on the judgment rendered in **State of Kerala Versus Rajesh 2020 (1) RCR (Crl.) 818**, opposes the bail application, while submitting that one more case under the provision of the NDPS (though of a small quantity) is already registered against the petitioner, therefore, he is not entitled to grant of regular bail.

After hearing the learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 23.6.2019, this Court does not find any reason to decline the prayer as the trial is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner, after his arrest on 23.6.2019, is presently confined in judicial custody, therefore, further detention behind the bars may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

The petition is allowed.

4.9.2020
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No