

Sr. No.114

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

CRM-M-25382 of 2020 (O&M)

Date of Decision:02.09.2020

Gurbaksh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.54 dated 27.05.2019, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station City Jalalabad, District Fazilka.

2. Per FIR, on 27.05.2019, while on patrolling, the police party apprehended the petitioner, on the basis of secret information. From a bag being carried by the petitioner, 1500 tablets of Clovidol 100 SR and 720 tablets of Etholam 0.5 were recovered. Case was registered.

3. Learned counsel for the petitioner submits that petitioner is in custody since 27.05.2019. He further contends that even after completion of investigation (since challan has already been filed), there is no headway in the trial proceedings. Learned counsel submits that challan was filed some time in November, 2019 and thereafter case was taken up by the trial Court on various dates but the trial has still not commenced as none of the witnesses out of total 13 have been examined till date.

4. Learned counsel further contends that due to the pandemic scenario, none of the prosecution witnesses are likely to turn up to testify

before the Court unless the normal working of the court resumes. He further contends that petitioner is not involved in any other offence of similar nature. Therefore, he contends the concession of the regular bail be extended to the petitioner during pendency of the trial.

5. Learned counsel for the petitioner relies on order dated 21.07.2020 passed by a Coordinate Bench of this Court in CRM-M-18583-2020, wherein petitioner/accused was similarly situated and accorded the benefit of concession of regular bail by this Court.

6. Learned State counsel does not controvert the factual position as aforesaid but opposes the bail plea on the ground that petitioner was carrying total 1500 tablets and the same falls in the category of commercial quantity and, therefore, petitioner should not be let off.

7. The petitioner is in custody since 27.05.2019. There is no headway in the trial and is not likely to commence or conclude anytime soon due to covid-19 pandemic. Courts are currently working with restrictions and taking up only urgent matters. Considering the overall scenario, without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

September 2nd 2020
Vandana

(ARUN MONGA)
JUDGE

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