

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

CRM-M-26318-2020

Date of decision: 11.9.2020

Jagjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.PS Dhaliwal, Advocate for the petitioner

Mr.Mehardeep Singh, Addl.AG, Punjab

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

By way of the present petition, the petitioner is seeking regular bail in case FIR No.292, dated 25.5.2020 registered under Section 22 of NDPS Act at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner states that the very information is without any basis that the petitioner alongwith Lachmi @ Kali had been bringing and selling intoxicant tablets in the area. The petitioner is neither the previous convict nor involved in any other FIR. Even the FIR does not describe as to how the recovery was effected. There is complete violation of Sections 50 and 40 of NDPS Act.

Learned counsel for the State on instructions from ASI

Balwinder Singh submits that the recovery was effected while the petitioner

was counting the tablets. He further informs that the challan is ready but has not been presented as yet.

Heard.

It is an admitted position that the petitioner is not a previous convict and is not involved in any other FIR under NDPS Act. That *prima facie* makes the case of the State doubtful. The petitioner, a young man of 32 years, is the only bread winner of the family. He is in custody since 25.5.2020. Even challan has not been filed till date. Therefore, there is total uncertainty about the conclusion of the trial, particularly in the present scenario of Covid -19 pandemic. No useful purpose will be achieved by keeping the petitioner under further incarceration.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail during the pendency of trial on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court/ CJM/ Duty Magistrate.

However, anything noticed hereinabove, shall not be construed as an expression of opinion on the merits of the case.

11.9.2020
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No