

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

CRM-M No.25907 of 2020 (O&M)
DATE OF DECISION: 05.10.2020

Gurjinder Singh @ Binder Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gurpreet Singh Sandhu, Advocate for the petitioner

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ALKA SARIN, J.:

The matter was heard through video conferencing.

This is the second petition filed by the petitioner for grant of regular bail in FIR No.150, dated 25.06.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Raman, District Bathinda. The previous petition being CRM-M No.14663 of 2019 was dismissed as withdrawn vide order dated 21.01.2020, inasmuch as, it was stated by the State counsel that the trial was at its fag end and all the prosecution witnesses had been examined and the case was fixed for final orders on 22.01.2020.

Learned counsel for the petitioner would contend that the FIR had been lodged against the petitioner and the co-accused Jagjit Singh under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 on the allegation that 5000 tablets of Tredol were recovered from them. Learned counsel for the petitioner would further contend that the petitioner has been in custody since 25.06.2018. It is the further contention

of learned counsel for the petitioner that the co-accused, namely, Jagjit Singh was granted concession of regular bail by this Court in CRM-M No.23711 of 2020 vide order dated 24.08.2020. Learned counsel for the petitioner would also contend that the trial has not progressed as the case is being adjourned from time to time due to the situation created by the COVID-19 pandemic. The further contention of the learned counsel for the petitioner is that the petitioner's wife has since expired and there is no one to look after his two minor children aged 10 and 6 years. A certificate dated 27.08.2020 from the Gram Panchayat has also been attached wherein it has been stated that the wife of the petitioner has since expired and the children of the petitioner are residing in their maternal village Singhpura and there is no one to look after them.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab joined the session through video conferencing and accepted notice for the respondent.

The learned State counsel was not in a position to deny that the trial in the present case has not progressed since January, 2020 and further that the co-accused in the case i.e. Jagjit Singh has been granted bail by this Court vide order dated 24.08.2020 in CRM-M No.23711 of 2020.

I have heard the learned counsel for the parties.

In the present case, the first petition moved by the petitioner for grant of bail was dismissed as withdrawn on 21.01.2020 primarily on the ground that the trial was at the fag end. However, the trial does not seem to have progressed since then due to the situation created by the COVID-19 pandemic. Further, the learned State counsel is not in a position to deny the fact that the co-accused has since been granted bail.

In view of the above, without commenting on the merits of the case and considering the fact that the petitioner has been in custody since 25.06.2018 and further the fact that the trial may take some time to conclude due to the situation created by the COVID-19 pandemic, no useful purpose would be served by keeping the petitioner in custody and the petition is, hence, allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaq Magistrate.

The prosecution would, however, be at liberty to apply for cancellation of bail in case the petitioner is found involved in any other case or is found to be misusing the concession of bail in any manner. It is further made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Petition stands disposed off accordingly.

**(ALKA SARIN)
JUDGE**

05.10.2020
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NOTE:

**Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**