

Sr. No. 212

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

**CRM-M-26497 of 2020 (O&M)
DATE OF DECISION : 10.09.2020**

Gurjant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.D.S. Pheruman, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 42 dated 28.06.2018, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Khalra, District Tarn Taran.

2. Per FIR, on 28.06.2018, while a police party was on patrolling, they nabbed the petitioner on the basis of suspicion as he tried to flee. On personal search of the petitioner conducted in presence of a Gazetted Officer, 800 intoxicant tablets of Tramazon-100 SR were recovered. The petitioner was arrested.

3. Learned counsel submits that the petitioner is in custody since 28.06.2018. According to him, there has been violation of mandatory provisions of Section 50 of NDPS Act. That apart, provisions of NDPS Act have wrongly been invoked. Violation, if any, at worst is that of Drugs and

Cosmetics Act. According to him, the quantity of narcotic substance in the recovered tablets comes to 74.544 grams, which is a non-commercial quantity. He further submits that investigation is already over and trial of the case is held up and there is no headway in trial.

4. On the other hand, learned State counsel opposes the bail plea. According to him, intoxicant recovered from the petitioner comes to 387.2 grams and falls within commercial quantity. On a query of the Court, he admits that petitioner is not involved in any other case and there is not much progress in the trial due to Covid-19 pandemic.

5. The aforesaid contentions of learned counsel can only be adjudged only at the trial. Presently, there is no headway in the trial and the same is not likely to conclude anytime soon due to covid-19 pandemic, as a result of which Courts are working with restrictions and taking up only urgent matters. Petitioner is not involved in any other case. Considering the overall scenario and 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. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

September 10, 2020
Jiten

(ARUN MONGA)
JUDGE

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