

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

CRM-M-26752-2020

Date of decision : 11.11.2020

HARJINDER SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Veneet Sharma, Advocate, for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.50 dated 27.04.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Maqsudan, District Jalandhar.

Learned counsel for the petitioner has contended that as per the allegations in the FIR the recovery of 3250 loose tablets of orange and white colour was made. Out of the said loose tablets, only 90 tablets were sent for chemical examination which were found to be containing alprazolam, tramadol, diphenoxylate. He further contends that the petitioner is in custody for the last one year and six months and out of the nine prosecution witnesses nine have been examined due to the current situation in the wake of the outbreak of COVID-19 pandemic. He further relies upon the judgment by a Division Bench of this Court in *State of Punjab Vs. Dharam Singh, 2010 (3) RCR (Cr.) 94* to contend that where only a small sample from amongst the loose tablets/capsules is sent for chemical examination it is not possible to presume that all of them contain the same salt. He further contended that out of 90 tablets which were sent for chemical examination, if the total quantity is seen, the same falls within the non-commercial category. It is the further contention of the

learned counsel that there is no other case under NDPS registered against the petitioner.

As per the status report, which has been filed by way of affidavit of Sukhpal Singh, IPS, Deputy Superintendent of Police, Sub Division Kartarpur, Jalandhar (Rural) dated 02.10.2020, the said factual position has not been disputed. Even the said fact is evident from a perusal of the FSL report which is annexed as Annexure P-2.

Without commenting on the merits of the case and keeping in view the fact that the petitioner has been in custody since 27.04.2019 and in view of the judgment in Dharam Singh's case (supra) and also the fact that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case. However, the Prosecution shall always be at liberty to get the bail cancelled in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off, accordingly.

November 11, 2020
kv

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No