

**Sr. No. 208**

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

**CRM-M-26730 of 2020 (O&M)  
DATE OF DECISION : 25.09.2020**

**Balwinder Singh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Rahi Mehra, Advocate,  
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.  
(Presence marked through video conference)

**ARUN MONGA, J. (ORAL)**

1. Petitioner seeks regular bail in FIR No. 79 dated 14.07.2018, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, Police Station Chohla Sahib, District Tarn Taran.
2. Per FIR, on 14.07.2018, while a police party was on patrolling, they nabbed petitioner on the basis of suspicion. On checking, 980 tablets of Alprx-05 and 15 injections along with syringes were recovered. The petitioner was arrested. It is stated that he was granted interim bail on 10.10.2018 and on receipt of FSL report he was taken into custody on 28.02.2019 and since then he is in custody.
3. Learned counsel submits that there has been violation of mandatory provisions of Section 50 of NDPS Act. He further submits that investigation is already over, charge has been framed way back in April,

2019 and there is no headway in the trial thereafter. He further submits that all the witnesses are official witnesses and there is no apprehension of hamper or tamper of evidence. According to him, the petitioner is not involved in any other case.

4. On the other hand, learned State counsel opposes the bail plea. He, however, admits that despite charge having framed way back in April, 2019 there is no headway in the trial. He admits that petitioner is not having any criminal background, except the present case.

5. The trial is currently held up due to Covid-19 pandemic and the aforesaid contentions of learned counsel can only be adjudged only at the trial. 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 25, 2020**  
Jiten

**(ARUN MONGA)**  
**JUDGE**

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