

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

CRM-M-27570-2020 (O&M)

Date of decision : 16.09.2020

PALWINDER SINGH @ PAMMA

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Bhupinder Banga, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is the first petition under Section 439 of the Code of Criminal Procedure, 1973 praying for grant of regular bail pending trial to the petitioner in FIR No.0075 dated 20.06.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, Chabbewal, District Hoshiarpur.

It has been contended by learned counsel for the petitioner that the petitioner has been in custody for 03 years, 02 months and 25 days and the case is still at the stage where the prosecution witnesses are being examined. He further contends that the petitioner is suffering from Hepatitis-C since a long time and no proper treatment is being provided to him and keeping in view the present COVID-19 pandemic situation, the petitioner, who is already suffering from Hepatitis-C, would be exposed to the danger of contracting COVID-19. Learned counsel for the petitioner has further contended that there has been no compliance of Section 50 of the NDPS Act.

Learned State counsel is not in a position to deny that the case is still at the stage where 6 out of 8 prosecution witnesses have been examined and also the fact that the petitioner has been in custody for 03 years, 02 months and 25 days. He further submits that as per the custody certificate, there are no other cases pending against the petitioner.

I have heard learned counsel for the parties.

The petitioner has been in custody since 20.06.2017. No useful purpose will be served by keeping the petitioner behind the bars especially when the trial is unlikely to conclude in the near future especially in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic.

In view of the above and without commenting on the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that the prosecution will 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.

Nothing observed herein shall be taken as an expression of opinion on the merits of the case. The present petition is, accordingly, disposed off.

September 16, 2020
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(ALKA SARIN)
JUDGE

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