

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 28727-2020 (O&M)

Date of Decision: September 23, 2020

Pardeep Sharma alias Kaka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pranav Handa, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 102 dated 19.06.2018, under Section 22 of NDPS Act, 1985, registered at Police Station Division No.1, Distt. Police Commissionerate Jalandhar.

Learned counsel for the petitioner would contend that the petitioner is in custody since 19.06.2018. In a similarly situated case, the Co-ordinate Bench have allowed bail in CRM-M-8841-2020 decided on 16.09.2020.

Counsel for the parties have been heard.

As per prosecution version, alleged recovery of 20 ampules make Rexogesic of 02 ml each containing salt Buprenorphine Hydrochloride was effected from the petitioner.

Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the recovery is commercial in nature, yet it has gone uncontroverted that the petitioner is not involved in any other case under the NDPS Act.

The petitioner has faced incarceration since 19.06.2018.

It is not a case made out by the respondent-State that the benefit of bail if granted to the petitioner, he would be in a position to hamper the course of free and fair trial.

Since, in view of the restricted working of the Courts due to pandemic COVID-19 situation, the trial would take sufficient time and the fact that the Co-ordinate Bench has allowed bail in a similar matter, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on bail on his execution of adequate personal and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, in case any FIR is registered against the petitioner under the NDPS Act, the respondent-State would be at liberty to move an appropriate application to have the bail of the petitioner cancelled.

September 23, 2020

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No