

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

**CRM-M-28949-2020 (O&M)
Date of Decision : 09.11.2020**

Gurnishan Singh @ Buta

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

ASHOK KUMAR VERMA, J. (Oral)

CRM-26928-2020

Case has been taken up for hearing through video conferencing due to the outbreak of Pandemic COVID-19.

Through this application, prayer has been made for placing on record the copies of judgments, passed by Coordinate Benches of this Court and zimni orders, passed by the trial Court (Annexure P-1).

Application is allowed as prayed for. Documents (Annexure P-1) are taken on record.

CRM-M-28949-2020

The instant second petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.80 dated 07.07.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Recovery of 500 strips, each strip containing 10 tablets of Clovidol-100 SR, in total 5000 tablets was allegedly made from the petitioner.

Learned counsel for the petitioner relies upon the decisions of

the Co-ordinate Bench of this Court in cases bearing CRM-M-13685-2020 titled as “Sher Singh vs. State of Punjab”, passed on 15.06.2020, CRM-M-2831-2019 titled as “Sunil Bhati @ Sunil Kumar Bhati vs. State of Punjab”, passed on 13.01.2020, CRM-M-13732-2020 titled as “Ricky Vs. Union Territory, Chandigarh”, passed on 16.06.2020 and CRM-M-46998-2019 titled as “Harwinder Singh vs. State of Punjab”, passed on 10.02.2020, in which the petitioners from whom *Buprenorphine* injections had been recovered, were nevertheless released on bail, in view of the fact that they were not reported to be involved in any other case under the NDPS Act, and also that on account of the existing COVID-19 pandemic, routine trial of the cases would take a longer time. In the present case also, the petitioner is not reported to be involved in any other case under the NDPS Act and challan against him has already been submitted after completion of the investigation. He is in custody since 07.07.2019. Charges were framed on 21.12.2019. Out of 15 prosecution witnesses, none has been examined so far.

As such, at this stage, in view of the extra ordinary situation occasioned on account of the existing COVID-19 pandemic, the petitioner is ordered to be released on regular bail to the satisfaction of the learned Trial Court/Duty Magistrate concerned, subject to the condition that the State shall be at liberty to seek cancellation of the same, in case the petitioner is found to be involved in any other case under the NDPS Act.

09.11.2020
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No