

CRM-M-28958-2020

Date of decision: 25.09.2020

Sanjeev Atwal @ Golu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Narinder Lucky, Advocate
for the petitioner.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to respondent No.1-State

Mr. Jagmohan Ghuman, DAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State. Copy supplied.

The petitioner-Sanjeev Atwal @ Golu, who is in custody in a case bearing FIR No.142 dated 07.07.2019 under Section 22 of the NDPS Act registered at Police Station Goraya, District Jalandhar, has sought first regular bail under Section 439 Cr.P.C.

The allegations against the petitioner are that on

07.07.2019, the police came across two persons, petitioner and his co-accused/non-applicant-Pardeep Kumar, whereby a bag was found lying on the ground and on search of which,- 16 injections of intoxicating nature were recovered.

Learned counsel for the petitioner *inter alia* contends that co-accused/non-applicant-Pardeep Kumar has already been allowed regular bail by this Court vide order dated 27.08.2020 and case of the petitioner is not distinguishable from that of his co-accused.

The learned State counsel has opposed the bail on the grounds of heinousness of the crime.

Going through the submissions, admittedly, the petitioner has already undergone incarceration for more than 02 years 01 month and 16 days. Similarly, placed co-accused, Pardeep Kumar has allowed regular bail by this Court on 27.08.2020. More so, as has been conceded by the State counsel that there is no other criminal case being faced by the petitioner and in light of the present COVID-19 pandemic, there is every likelihood that the investigation/trial is likely to be prolonged.

In view of the above, this Court deems fit to allow the present petition. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

25.09.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No