

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

CRM-M-29854-2020 (O&M)
Date of decision : 25.11.2020

Naresh Mittal @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. Sonpreet Singh Brar, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in
the light of the pandemic COVID-19 situation and as per instructions.

CRM-24656-2020

This is an application to place on record FIR No. 120 dated
26.08.2020 registered under Sections 22 and 25 of Narcotics Drugs and
Psychotropic Substances Act, 1985 (for short the NDPS Act) at Police
Station Dhanaula, District Barnala as Annexure P-7.

Application is allowed and document (Annexure P-7) is taken
on record, subject to all just exceptions.

CRM-M-29854-2020

This second petition has been preferred under Section 439
Cr.P.C. seeking bail in FIR No.95, dated 25.02.2020, registered under
Sections 22 and 29 of NDPS Act (Section 20 of NDPS Act added later on)

at Police Station City Barnala, District Barnala.

Custody certificate of the petitioner has been circulated through e-mail by learned State counsel today in the Court and the same is taken on record. Copy thereof has already been supplied to the learned counsel opposite.

States that recovery of 800 tablets of Alprasafe 0.5 and 1200 tablets of Etolame 0.05 was effected from co-accused, namely, Mohan Lal, who further names Balwinder Singh from whom he allegedly acquired the same. Balwinder Singh further names the petitioner. On the disclosure statement of the petitioner, 3500 tablets of Clovidol was recovered from the innova car owned by him.

Learned Senior counsel states that the case of the petitioner is at par with Akashdeep Sharma @ Kala, who has been admitted to bail vide order dated 13.08.2020 passed by this Court in CRM-M-16417-2020, which has not been assailed by the State. The petitioner is in custody since 28.02.2020. Challan has been presented. However, out of 99 witnesses, no PW has been examined so far. He further states that subsequent to the present FIR, the petitioner has been involved in another FIR under NDPS Act at Police Station Dhanaula, District Barnala.

On the other hand, learned State counsel opposes the instant petition and submits that recovery of 3500 tablets of Clovidol was effected from the car owned by the petitioner on the disclosure statement made by the petitioner. He further states that in the present FIR, a cash amount of ₹5 lakh along with the contraband was recovered from the petitioner and a total amount of ₹2.50 crore has been recovered in the present FIR. However, he is unable to contradict that case of the petitioner is not at par with co-

accused, namely, Akashdeep Sharma @ Kala. Father of the petitioner is running a Wholesale and Retail Chemist Shop in the name and style of 'Biru Ram Thakur Dass', Sadar Bazaar, Barnala.

Heard.

The petitioner is in custody since 28.02.2020 and was not involved in any other FIR under the NDPS Act. The recovery has been effected allegedly in pursuance of the disclosure statement of the petitioner. Though, the challan has been presented, however, out of 99 PWs, none has been examined so far. Therefore, the Court feels that the trial particularly in the extraordinary conditions prevailing due to COVID-19, is not likely to be concluded in the near future and the case of the petitioner is at par with co-accused Akashdeep Sharma @ Kala, whose bail order has not been assailed by the respondent. Therefore, the present petition is allowed and the petitioner be admitted to bail during the pendency of the trial, on furnishing indemnity bond of ₹50 lakh with two local sureties of the same amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

25.11.2020

jyoti-II

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No