

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 212

CRM-M-32104-2020

Date of decision : 02.11.2020

Randhir Singh @ Dhira

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Sandhu, Advocate, for the petitioner.
Mr.Randhir Singh Thind, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.112 dated 05.12.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the 'NDPS Act') at Police Station Bariwala, District Sri Muktsar Sahib, Punjab.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; he has been in custody since 05.12.2019; he is not involved in any other case under the NDPS Act; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that the alleged recovery from him is of 1100 tablets (equivalent to 88 grams) of microlit containing salt diphenoxylate hydrochloride.

Learned State counsel admits the petitioner's period of incarceration and that he is not involved in any other case under the NDPS Act but opposes the grant of bail on the ground that he has been found in illegal possession of the afore referred 88 grams of narcotics which is classified as commercial quantity.

The petitioner has been in custody for the last about eleven months; he is not involved in any other case under the NDPS Act; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sri Muktsar Sahib the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

02.11.2020

shamsher

[DEEPAK SIBAL]

JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No