

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 231

CRM-M-37512-2020

Date of decision : 25.11.2020

Vijay Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Grewal, Advocate, for the petitioner.

Mr.Rana Harjasdeep Singh, 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.85 dated 14.06.2020, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the 'NDPS Act') at Police Station Khuhian Sarwar, Tehsil Abohar, District Fazilka.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; he is in custody since 14.06.2020; he is not involved in any other case under the NDPS Act; no recovery has been effected from his person; 70 kgs of poppy husk has been recovered from a truck regarding which the petitioner has no knowledge; 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.

Learned State counsel opposes the grant of bail to the petitioner on the ground that if he is granted bail he may indulge in similar offences.

The petitioner has been in custody since 14.06.2020; he is not involved in any other case under the NDPS Act; whether recovery of 70 kgs of poppy husk from a truck is to be considered as recovery from the petitioner would be debated during the course of the trial; report under Section 173 Cr.P.C. has already been filed therefore he is not in a position to influence the investigation and 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, Fazilka 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.

25.11.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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