

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

**CRM-M-39974 of 2020
Date of Decision:-15.12.2020**

Satish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Ms. Samina Dhir, DAG, Punjab.

ASHOK KUMAR VERMA J.(Oral)

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

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 effected 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. Charges were framed on 21.12.2019. The petitioner is in custody since 07.07.2019. Out of 15 prosecution witnesses, none has been examined so far. Co-accused namely Gurnishan Singh alias Buta and Vicky Garg, whose cases stand on similar footing with that of present petitioner, have already been granted the concession of bail by this Court vide order dated 09.11.2020 and 24.11.2020, passed in CRM-M-28949-2020 and CRM-M-37791-2020.

As such, at this stage, in view of the extra ordinary situation occasioned on account of the existing COVID-19 pandemic and treating the case of the petitioner on the same parity as that of his above-named co-

accused, the petitioner Satish Kumar 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.

December 15, 2020
Vijay Asija

(**ASHOK KUMAR VERMA**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No