

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-40091-2020
Decided on : 21.12.2020

Gurmail Singh @ Geli

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vivek Singla, Advocate
for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.98 dated 19.08.2020 registered under Section 22 of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added later on vide GDR No.20 dated 21.08.2020) at Police Station Nandgarh District Bathinda.

Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 21.08.2020. It has been further contended that the petitioner has been arrayed as an accused only on the basis of disclosure statement of co-accused Ruldu Singh, the evidentiary value of which is of weak nature. No recovery of any contraband was effected from the conscious possession of the petitioner. Hence, a prayer has been made for granting the concession of regular bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has admitted that the petitioner was nominated as an accused only on the basis of the alleged disclosure

statement of co-accused Ruldu Singh and no recovery of any contraband was effected from him. He on instructions from SI Major Singh has apprised the Court that the petitioner is not involved in any other case under the NDPS Act.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 21.08.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

21.12.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No