

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36334-2019

Date of Decision: 28.05.2020

Ajit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J.P. Devgan, for
Mr. Ranbir Singh Sekhon, Advocate,
for the petitioner.

Mr. Gaurav Dhuriwala, Sr. D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 46 dated 25.03.2019, registered at Police Station Sadar Patti, District Tarn Taran, for the alleged commission of offences punishable under Sections 21/61 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that this petition was last listed on 29.04.2020, on which date it was adjourned to 22.05.2020, but it was not listed on that date and somehow has been otherwise adjourned to July 21, 2020, with the petitioner having remained in custody for more than 14 months now, with only one prosecution witness out of eight having been examined so far by the trial court.

He further submits that the quantity of contraband alleged to have been recovered from the petitioner, i.e. 260 grams of heroin (as per the allegation in the FIR), is only marginally above what is declared to be commercial quantity, (with commercial quantity being above 250 grams).

He further submits that though there are other cases under the Punjab Excise Act, 1914, registered against the petitioner, he was acquitted in all of those and there was no other criminal case ever registered against him under the provisions of the NDPS Act, 1985.

Upon query to learned State counsel, he, while opposing the bail application, could not deny the aforesaid factual position.

He however submits that another criminal case under the provisions of IPC (he having no instructions as to the exact provision) has also been registered against the petitioner.

Learned counsel for the petitioner on the other hand rebuts by saying that even in that case the petitioner has been acquitted.

Keeping in view the above facts, especially with the trial likely to not make normal progress because of the current pandemic, without making any comment on the actual merits of the case for or against the petitioner, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

May 28, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.